

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,

Friday, February 15, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Hyer.	Russek.
Martin.	Thomason.
Miller.	Woodward.
Neal.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Small.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Greer:

S. B. No. 527, A bill to be entitled "An Act creating a more efficient road system for Anderson county, Texas; providing that the county commissioners shall cooperate with the State Highway Department in the establishment, construction, and maintenance of designated State Highways, to be paid for partly by the county and partly by the State or Federal Government; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Woodul and Love:
S. B. No. 528, A bill to be entitled "An Act to amend Article 3902, Revised Civil Statutes of 1925, relating to the appointment and compensation of deputies and assistants of certain departments and county officers by adding thereto a proviso for an increased compensation to certain deputies not to exceed twenty-five dollars each in counties having a population of one hundred and sixty thousand or more in accordance with the last United States census, upon the approval of the commissioners' court of the county affected where the deputies have been in the service of the office applying for such increase for a period of four years or more, and repealing laws in conflict therewith and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Stevenson:

S. B. No. 529, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of Jan. 1, 1929, setting forth the method of said operation and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Moore:

S. B. No. 530, A bill to be entitled "An Act to assist in the prevention of the theft of motor vehicles in Texas; requiring the owner of every motor vehicle to acquire certificate of title from county tax collector and affix on vehicle, registration card, container and seal; etc."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Love:

S. B. No. 531, A bill to be entitled "An Act creating one additional district court for Dallas county; defining their jurisdiction; adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Small, by request:

S. B. No. 532, A bill to be entitled "An Act relating to the Texas School for the Deaf at Austin; providing better regulations in reference to conducting said school; placing said school on an equal and educational basis with the public schools of Texas except that it shall derive no revenue from the public school fund; enacting other provisions incidental to said subject; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 533, A bill to be entitled "An Act granting permission to Maud Reichaw and Mrs. C. Olson to sue the State of Texas in the District Court of Travis county, to determine the State's liability, if any, and the amount thereof, if any such liability exists, for personal injuries to the said Maud Reichaw; and for damages to the automobile operated by her, and the use of said automobile, on or about the 31st day of December, 1924, while the said Maud Reichaw was driving said automobile in the City of Austin; providing for the procedure and rules of evidence of said suit, and making appropriation to pay any judgment that might be obtained in said suit, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 534, A bill to be entitled "An Act prohibiting the taking or killing of wild quail in Medina county for a period of five years; fixing an open season for the taking or killing of wild doves in said county and prohibiting the taking or killing of same at any other time; prescribing penalties for violating any provision of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 535, A bill to be entitled "An Act amending Article 36 of the Penal Code of 1925 so as to provide a rule in reference to evidence and defenses in criminal cases relative

to temporary insanity caused by the recent voluntary use of intoxicating liquor or any narcotic or any narcotic drug or any marihuana, and relating to the instructions to the jury relative thereto; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Greer:

S. B. No. 536, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Moore:

S. B. No. 537, A bill to be entitled "An Act to amend Articles 148, 150 and 151 of the Penal Code by providing for the use and protection of any seal or emblem of the State of Texas; providing a penalty for the violation of this Act; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 538, A bill to be entitled "An Act making it unlawful for any officer or employee of this State to issue or publish any publication or bulletin in his official capacity, which bulletin or publication carries any advertising matter of any nature whatsoever; providing a penalty for the violation of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Hardin, Senators Hyer, Martin, Miller, Russek and Thomason were excused for today on account of special committee work.

On motion of Senator McFarlane, Senator Woodward was excused for the day on account of important business.

Communication from Mr. Odell.

Senator Witt sent up a communication from Mr. Odell, of the Prison Commission, and asked that it be printed in the Journal.

Senator McFarlane asked for a full reading of the communication.

Senator Witt objected. The objection was sustained by the following vote:

Yeas—15.

Beck.	Small.
Berkeley.	Stevenson.
DeBerry.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Love.	Woodul.
Parrish.	Woodward.
Pollard.	

Nays—6.

Cunningham.	McFarlane.
Gainer.	Parr.
Greer.	Wirtz.

Present—Not Voting.

Cousins.

Absent.

Patton.

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

Senator DeBerry moved that the communication be referred to the Committee on Penitentiaries without reading.

Senator Holbrook moved as a substitute that the communication be printed in the Journal.

Senator Williamson moved the previous question. The previous question was ordered.

The motion to print prevailed by the following vote:

Yeas—12.

Beck.	Patton.
Berkeley.	Stevenson.
Holbrook.	Westbrook.
Hornsby.	Witt.
Love.	Woodul.
Parrish.	Woodward.

Nays—9.

Cousins. DeBerry.

Gainer.	Pollard.
Greer.	Small.
McFarlane.	Wirtz.
Parr.	

Absent.

Cunningham. Williamson.

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

(See Appendix.)

Senator Holbrook sent up a telegram to be read.

Senator Wirtz objected. The telegram was ordered read by the following vote:

Yeas—15.

Beck.	Patton.
Berkeley.	Small.
Gainer.	Westbrook.
Greer.	Williamson.
Holbrook.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Parr.	

Nays—6.

Cousins.	Pollard.
Hornsby.	Stevenson.
Parrish.	Wirtz.

Present—Not Voting.

DeBerry.

Absent.

Cunningham.

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

The telegram was read.

Senator McFarlane moved that a communication from Mr. A. H. Carrigan be printed in the Journal. The motion prevailed.

(See Appendix.)

Simple Resolution No. 72.

Senator Pollard sent up the following resolution:

Whereas, Rev. J. Frank Norris, a widely known minister of Texas, is present on the floor of the Senate; and,

Whereas, he is a very interesting and fluent speaker.

Therefore, be it resolved by the Senate of Texas that he be invited to address the Senate, and that he be given the privileges of the floor.

POLLARD.

The resolution was read.

Senator Greer moved to table the resolution. The motion was lost.

The resolution was lost by the following vote:

Yeas—10.

Berkeley.	McFarlane.
Cousins.	Parrish.
DeBerry.	Patton.
Hardin.	Pollard.
Love.	Westbrook.

Nays—12.

Cunningham.	Stevenson.
Gainer.	Williamson.
Greer.	Wirtz.
Holbrook.	Witt.
Parr.	Woodul.
Small.	Woodward.

Absent.

Beck.	Hornsby.
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Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.
Moore.	

Bills Signed.

The Chair Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 565.
H. B. No. 109.
H. B. No. 87.
H. B. No. 523.
H. B. No. 557.
H. B. No. 162.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House grants the request of the Senate for a free conference on S. B. No. 35 and the following are appointed on the part of the House:

Harmon, Harrison, Land, Chastain, and Stevenson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 340 A bill to be entitled "An Act creating a more efficient road system for Hemphill county, Texas, providing that the county commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, etc.; and declaring an emergency."

H. B. No. 383 A bill to be entitled "An Act creating a more efficient road system for Dickens county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government authorizing the commissioners court of Dickens county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing

that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

H. B. No. 404, A bill to be entitled "An Act to amend the Special Road Law for Panola county passed by the Twenty-eighth Legislature at its Regular Session, being designated Chapter 24 of the local and special laws, as amended by Chapter 18, passed during the Regular Session of the Thirty-third Legislature, by adding thereto a new section to be designated Section Twenty-three, to permit the issuance of bonds by said county for the purpose of funding or refunding the indebtedness incurred for road and bridge purposes prior to January 1, 1929."

H. B. No. 443, A bill to be entitled "An Act to amend Chapter 86 of the Local and Special Laws enacted by the Thirty-fifth Legislature at its Regular Session in 1917, same being a special road law for Morris county, by adding thereto Section 27a, authorizing the commissioners court of Morris County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

H. B. No. 455 A bill to be entitled "An Act to create LaSalle County water improvement district No. 1, embracing lands in the county of LaSalle, in the State of Texas, as a water improvement district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries."

H. B. No. 506 A bill to be entitled "An Act to amend Chapter 74 of the local and special laws enacted by the Thirty-ninth Legislature at its regular session, approved March 7, 1925, same being a special road law for Denton county, by adding thereto Section 19-A, authorizing the commissioners court of Denton county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and

providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceedings within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid."

H. B. No. 659 A bill to be entitled "An Act to amend Chapter 60 of the acts of the General and Special Laws of the Fortieth Legislature, first called session, approved June 6th, 1927, amending Section 2 of said chapter, so as to provide that the district attorney of the Ninetieth Judicial District of Texas may employ in lieu of an assistant district attorney, a stenographer, and fixing the salary of a stenographer, and providing that said act shall take effect from the date of its passage."

S. B. No. 37, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to provide also a trial fee in justices courts in misdemeanor cases, and declaring an emergency."

S. B. No. 39, A bill to be entitled "An Act to amend Article 951, Title 12, Chapter 3, of the Code of Criminal Procedure of the State of Texas, Revision of 1925, so as to not allow a justice of the peace any commission on fines, thereby further relieving him of any interest in a misdemeanor case, and declaring an emergency."

S. B. No. 47, A bill to be entitled "An Act authorizing the commissioners' court of Young County, Texas, to pay their traveling expenses while supervising highway construction; limiting the amount of said expense; providing same shall terminate January 1, 1931; and declaring an emergency."

S. B. No. 49, A bill to be entitled "An Act to create the State Board of Pharmacy, providing for its appointment, terms and tenure of office and its members, defining its duties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas; defining the terms pharmacist, pharmacy, drug store, and Board; providing penalties, and

repealing all existing laws in conflict herewith; and declaring an emergency."

Amended as substituted.

S. B. No. 62, A bill to be entitled "An Act creating a more efficient road system for Hays County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Hays County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

With amendments.

S. B. No. 206, A bill to be entitled "An Act creating a more efficient road system for Lamb County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Lamb County to issue bonds of said county for the purpose of funding or refunding indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the

issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

With amendments.

S. B. No. 236, A bill to be entitled "An Act to permit the State of Texas or any Texas corporation created as an eleemosynary institution without profit, to own or acquire, and to permit counties to make grants and donations thereto, of any properties heretofore acquired by any such county for seawall purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act to create Cameron County Drainage District Number One in Cameron County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Cameron County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; converting said district, without change of name, to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and issuance and sale of the bonds of said district by the annual levy, assessment and collection of general and ad valorem taxes on all taxable property in said district, approving and validating all orders of the commissioners' court of said County, and of the Board of Drainage Commissioners of said district, in respect to said district bonds and taxes, or certified copies thereof, and constituting all such orders and their record legal evidence; providing that the management and control of said Cameron County Drainage District Number One shall be by a board of three commissioners; that said drainage district created herein as a conservation and reclamation district, shall be governed by the provisions of Section 59 of Article 16 of the Constitution and Chapter 7 of Title 128, Revised Civil Statutes of the State of Texas, 1925; providing that the title to all property and rights in property now owned by Cameron County Drainage District Number One including current and delinquent taxes, as it

existed before the conversion herein, are vested in said district as herein converted, and that same shall be held and used under said provision of Section 59 of Article 16 of the State Constitution, and of Chapter 7 of Title 128, Revised Civil Statutes of the State of Texas, 1925, as same now exists, or may be hereafter amended; providing that the said Cameron County Drainage District Number One, as converted under Article 16, Section 59, shall assume and discharge all legal obligations, contracts and indebtedness lawfully created by Cameron County Drainage District Number One before its conversion; providing that proof of publication of Constitutional notice as required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

S. B. No. 241, A bill to be entitled "An Act to create Cameron County Drainage District Number Two (2) in Cameron County, Texas, defining its boundaries, validating and approving all orders made by the commissioners' court of Cameron County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the constitution; converting said district, without change of name, to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district, approving and validating all orders of the commissioners' court of said County, and of the Board of Drainage Commissioners of said District, in respect to said district, bonds and taxes, or certified copies thereof, and constituting all such orders and their record legal evidence; providing that the management and control of said Cameron County Drainage District Number Two shall be by a board of three commissioners, and that said drainage district created herein as a conservation and reclamation district,

shall be governed by the provisions of Section 59 of Article 16 of the Constitution and Chapter 7 of Title 128, Revised Civil Statutes of the State of Texas, 1925; providing that the title to all property and rights in property now owned by Cameron County Drainage District Number Two, including current and delinquent taxes, as it existed before this conversion herein, are vested in said district as herein converted, and that same shall be held and used under said provision of Section 59 of Article 16 of the State Constitution, and of Chapter 7 of Title 128, Revised Civil Statutes of the State of Texas, 1925, as same now exists; or may hereafter be amended; providing that the said Cameron County Drainage District No. 2, as converted under Article 16, Section 59, shall assume and discharge all legal obligations, contracts and indebtedness lawfully created by Cameron County Drainage District No. 2 before its conversion; providing that proof of publication of Constitutional Notice as required in the enactment of this Act has been duly made; enacting provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act to amend Chapter 38, Special and Local Laws enacted by the Thirty-seventh Legislature at its First Called Session, in 1921, same being a special road law for Tyler County, Texas, by adding thereto a new section 5-A, authorizing the commissioners' court of Tyler County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

With amendments.

S. B. No. 367, A bill to be entitled "An Act to create Willacy County Water Control and Improvement District No. 1, embracing lands in the Counties of Willacy and Hidalgo, in the State of Texas, as conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries; etc., and declaring an emergency."

S. B. No. 406, A bill to be entitled "An Act authorizing the Gulf Refining Company to construct and

maintain a bridge across Salt Bayou."

With amendments.

S. B. No. 449, A bill to be entitled "An Act to amend subdivision 78 of Article 199, of the Revised Civil Statutes of the State of Texas, of 1925, Section 1, Chapter 99, of the Acts of the Regular Session of the 38th Legislature, amending Section 1 Chapter 6 of the Acts of the Regular Session of the 34th Legislature, so as to more definitely define the territorial jurisdiction of the 78th Judicial District of Texas, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 167, Indefinitely Postponed.

On motion of Senator Stevenson, further consideration of S. B. No. 167 was indefinitely postponed because a similar bill had already been passed.

Senate Bill No. 221.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 221, A bill to be entitled "An Act relating to and regulating the furnishing of free text books for public free schools of this State; amending Section 30, 31, 33, 34, 39 and 40, and repealing Section 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free text books used in the public free schools of this State; providing for reports as to the funds for said text books; providing for the distribution of the amount set aside for free text books direct to the schools using such books and the purchase of same by such schools themselves from the various text book depositories or agencies, and providing that any free text book moneys not used by any such school shall become a part of its available school moneys and may be used by it for general school purposes; making the necessary changes in the Statutes to accomplish the main purpose of this Act; and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—11.

Beck.	Parr.
Berkeley.	Stevenson.
Greer.	Williamson.
Hardin.	Wirtz.
Holbrook.	Witt.
Moore.	

Nays— 3.

Cunningham.	Parrish.
Hornsby.	

Present—Not Voting.

Small.

Absent.

Gainer.	Pollard.
Patton.	

Absent—Excused.

Russek.

(Pairs Recorded.)

Senator Cousins (present), who would vote nay with Senator Hyer, (absent), who would vote yea.

Senator DeBerry (present), who would vote nay with Senator Neal (absent), who would vote yea.

Senator Love (present), who would vote nay with Senator Woodward (absent), who would vote yea.

Senator McFarlane (present), who would vote nay with Senator Martin (absent), who would vote yea.

Senator Westbrook (present), who would vote nay with Senator Miller (absent), who would vote yea.

Senator Woodul (present), who would vote yea with Senator Thomason (absent), who would vote nay.

Senate Bill No. 161.

Senator Westbrook called up from the table the following bill:

S. B. No. 161, A bill to be entitled "An Act amending Article 6814, Title 117, of the Revised Civil Statutes of the State of Texas of 1925, being an Act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants, deputies and inspectors."

The bill passed to engrossment.

On motion of Senator Westbrook, the vote by which the Senate voted to engross the bill was reconsidered.

Senator Westbrook sent up the following amendment:

Amend S. B. No. 161 by adding to the caption "and declaring an emergency."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 161 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Small.
DeBerry.	Stevenson.
Gainer.	Westbrook.
Greer.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

The bill was read third time and finally passed by the following vote:

Yeas—22.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Small.
Gainer.	Stevenson.
Greer.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Parr.	Woodward.

Nay—1.

DeBerry.

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

House Bills Referred.

H. B. No. 340, read and referred

to Committee on State Highways and Motor Traffic.

H. B. No. 383, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 404, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 443, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 506, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 455, read and referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 659, read and referred to Committee on State Affairs.

Free Conference Requested.

On motion of Senator Williamson, the Senate refused to concur in the House amendments to S. B. No. 49 as substituted and asked for a Free Conference Committee.

Motions to Concur.

On motion of Senator Wirtz, the Senate voted to concur in the House amendments to S. B. No. 62 by the following vote:

Yeas—23.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Small.
DeBerry.	Stevenson.
Gainer.	Westbrook.
Greer.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

On motion of Senator Parrish, the Senate voted to concur in the House amendments to S. B. No. 206 by the following vote:

Yeas—23.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Hardin.	Neal.
Hyer.	Russek.
Miller.	Thomason.
Moore.	

On motion of Senator Cousins, the Senate voted to concur in the House amendments to S. B. No. 406 by the following vote:

Yeas—22.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Small.
Gainer.	Stevenson.
Greer.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Parr.	Woodward.

Nay—1.

DeBerry.

Absent—Excused.

Hardin.	Moore.
Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

Free Conference Committee.

The Chair announced the appointment of the following Free Conference Committee on the part of the Senate on S. B. No. 49:

Williamson, Beck, Berkeley, Small and Stevenson.

Message From the Governor

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Submitting a list of notaries.

(List will be found after last day's proceedings.)

Senate Bill No. 517.

Senator Wirtz received unanimous consent to take up out of its regular order the following bill:

S. B. No. 517, A bill to be entitled "An Act appropriating to the University of Texas all inheritance taxes to be assessed against the estate of E. D. Farmer, deceased; providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas, to be held and administered by said Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 517 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
Moore.	Woodward.

Nay—1.

McFarlane.

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Hornsby.
Berkeley.	Love.
Cousins.	McFarlane.
Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Small.

Stevenson.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

Recess.

On motion of Senator Greer, the Senate, at 12:00 o'clock noon, recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Simple Resolution No. 73.

Senator Holbrook sent up the following resolution:

Whereas, Ex-governor B. B. Brooks of Wyoming is in the building, therefore be it

Resolved, That he be invited to address the Senate.

HOLBROOK,

The resolution was read and adopted.

The Chair appointed Senators Holbrook, Love, and Cunningham to conduct ex-governor Brooks to the platform.

Ex-Governor Brooks Speaks.

The Chair introduced Senator Holbrook who introduced Ex-governor Brooks.

Mr. Brooks briefly addressed the Senate.

Senate Bill No. 341.

Senator Cousins moved to table the motion made yesterday by Senator Woodward to reconsider the vote by which S. B. No. 341 was finally passed.

Senator Moore raised the point of order that no quorum was present. The roll call showed the following to be present:

Present—23.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.

Love.	Small.
McFarlane.	Stevenson.
Moore.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.
Pollard.	

Absent.

Westbrook.

Absent—Excused.

Hyer.	Russek.
Martin.	Thomason.
Miller.	Woodward.
Neal.	

The motion to table prevailed.

Message From the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for the appointment of Free Conference Committee on S. B. No. 49. The following are appointed on the part of the House:

Reader, Bounds, Duvall, Dunlap and Rogers.

The House grants the request of the Senate for the appointment of a Free Conference Committee on S. B. No. 36. The following are appointed on the part of the House:

Kennedy, Bradley, Hopkins, Johnson of Dimmitt, and Woodall.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 353.

Senator Love called up from the table the following bill:

S. B. No. 353, A bill to be entitled "An Act to provide for the organization, incorporation or admission and regulation and taxation of Mutual Insurance Companies; repealing Chapters 5, 6, 9, 12, 14, and 15 of Title 78, of the Revised Civil Statutes of 1925, and all other laws or parts of laws in conflict herewith; providing a penalty for the violation of the provisions thereof; and declaring an emergency."

The bill passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 353 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

Senate Bill No. 237.

Senator Holbrook called up from the table the following bill:

S. B. No. 237 A bill to be entitled "An Act to amend Article 4613, Article 4614, Article 4618, Article 4619, Article 4620, Article 4118, and Article 5535, of the Revised Civil Statutes of 1925, declaring and defining the legal rights of married women; defining the separate prop-

erty of married persons; regulating the management, control, disposition, and liability of such separate property; defining the common property of husband and wife; regulating the control, management, disposition, and liability of such common property; regulating the rights of parents as guardians for their minor children; making married women subject to all laws of limitation; regulating the conveyance of the homestead of the family; repealing Articles 4615, 4616, 4617, 4623, 4624, 4626, 6605, 6608, 1299, 1300, 6164, 1983, 1984, and 1985 of the Revised Civil Statutes of 1925, and all other laws and parts of law in conflict herewith; and declaring an emergency."

Senator Holbrook sent up the following amendments to the Committee substitute:

Amendment No. 1.

Amend S. B. No. 237 by striking out of Section 5 in the printed bill beginning on line 12 after the figures "4619" and substituting therefor the following:

All property acquired by either the husband or wife during marriage, except that which is the separate property of the one or the other, shall be deemed the common property of the husband and wife and during the marriage such common property shall be under the sole control, management and disposition of the husband; provided any disposition of the real estate of such community shall be by the joint conveyance or instrument of the husband and wife.

The amendment was read.

Senator Wirtz moved to table the amendment.

Senator Pollard raised the point of order that no quorum was present. The roll call showed the following members present:

Present—22.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.

Absent.

Gainer. Patton.
 Absent—Excused.
 Hyer. Russek.
 Martin. Thomason.
 Miller. Woodward.
 Neal.

Senator Parr moved that this bill with pending amendments be set as special order after the morning call tomorrow morning. The motion prevailed.

Simple Resolution No. 74.

Senator Parrish sent up the following resolution:

Hon. Barry Miller, President of the Senate:

Whereas, Q. E. Terrell was appointed Sgt.-at-Arms by E. T. Murphy, chairman of the highway investigating committee, on the 8th day of February, 1929, A. D.

Be it Resolved, That he be carried on the payroll of the Senate for this purpose.

Signed: BECK,
 WOODUL,
 PARRISH.

The resolution was read and adopted.

Senate Bill No. 220.

Senator Witt called up from the table the following bill:

S. B. No. 220 A bill to be entitled "An Act providing for the regulation of Local Mutual Aid Associations paying a death benefit operating an insurance business and paying benefits, where funds are provided by assessments on members. Defining the law and manner under which such associations may operate."

Senator Witt sent up the following amendment:

Amend S. B. No. 220, page 8, section 17 by striking out the last sentence of same and insert in lieu thereof the following: "any assessment notice shall state the number of paid up members on last assessment; and all funds collected shall be deposited in State or National Bank within 5 days after collection to the credit of the Association."

The amendment was read and adopted.

The bill as amended was passed to engrossment.

Senate Bill No. 210.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 210, A bill to be entitled "An Act to amend Article 7332 of Chapter 10, Title 122, of the Revised Civil Statutes of the State of Texas of 1925, relating to fees in delinquent tax suits, and declaring an emergency."

The bill was read second time.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 210 by adding thereto, after the word "suit" in line 20 of the printed bill, the following:

"Provided said attorney shall give written notice to the last known record owner of the property involved by mailing to his last known address, notice thereof, before judgment is taken in such suit, and said attorney shall receive for the giving of such notice the sum of Fifty Cents."

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 210 was put on its third reading and final passage, by the following vote:

Yeas—23.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Westbrook.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	

Absent.

Patton.

Absent—Excused.

Hyer.	Russek.
Martin.	Thomason.
Miller.	Woodward.
Neal.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Berkeley.
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Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Patton.

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Thomason.

Adjournment.

On motion of Senator Moore, the Senate, at 4:55 o'clock p. m., adjourned until 10:00 o'clock Saturday morning.

APPENDIX.

Petitions and Memorials.

Fort Worth, Texas,
February 12, 1929.

Senator Walter C. Woodward, Senator Edgar Witt, Austin, Texas.

My dear Senators:

In compliance with my recent promise to you, I am glad of the opportunity to send you a statement of the facts, in so far as they are known to me, regarding the charges recently filed by Senator McFarlane against the present Texas Prison Board. I have not seen a copy of those charges, but have read the summary of them as contained in the Texas papers of the following day, and shall answer them in detail as published.

The present Texas Prison Board took charge of a Prison system consisting of a penitentiary located at Huntsville, and fourteen farms, scattered literally from the Red River to the Gulf of Mexico. Most of these farms were subject to overflow, and the buildings and improvements throughout the System, with few exceptions, were old, dilapidated, insanitary, and utterly unfit for the purpose for which they were being used. Two different legislative committees had in recent years called

attention to the economical unsoundness and waste involved in the existing System. The prison population at the time the present Board was appointed was about 3400, and provision had been made by the Legislature in its appropriations for that number. The population rapidly increased, however, and for some months has been around 4500. We have, therefore, had to make provision for housing, feeding, clothing, guarding, and attempting to provide employment for more than 1100 men more than were provided for by the appropriations as made, and that with facilities that were wholly inadequate for the original number. It has not been possible to meet the emergency on the amounts appropriated, and on the advice of the Legal Department of the State, as well as our own judgment, we have incurred expenses in excess of the appropriations in order to make provisions for these men, in the utmost good faith, and without the slightest doubt that under the circumstances confronting us would approve of our action in doing so.

Answering in detail the several charges, I submit the following facts:

I.

That Doubt Exists in the Minds of Members of the Legislature as to the Business Ability and Efficiency of Some Members of the Board.

The Board as at present constituted consists of the following members:

R. H. Baker, Houston, Texas, Chairman;

W. M. Odell, Fort Worth, Texas, Vice-Chairman;

Frank L. Tiller, Rosenberg, Texas, Secretary;

Joseph Wearden, Goliad, Texas;

Lee Simmons, Sherman, Texas.

Dr. Henry Cohen, Galveston, Texas;

Dr. A. C. Scott, Temple, Texas.

I shall not, of course, attempt to discuss the question as to my own business ability or efficiency. For more than twenty-eight years I have been engaged in the practice of law in Texas and I leave the issue as to my own qualifications entirely to my associates and to the Legislature.

Mr. R. H. Baker has been a lead-

ing citizen of Texas for many years. He was for a number of years State Agent for the Mutual Life Insurance Company. He has been connected with many successful large business organizations in this State. He financed and constructed the line of railroad from Cleburne and Waxahachie to Houston known as the Trinity & Brazos Valley Railway Company. At the present time he is President of the Seaboard Life Insurance Company of Houston and of the Terminal Warehouse & Storage Company of that city. Colonel Baker was for several years Chairman of the Texas Committee on Prison and Prison Labor and devoted much of his time to the study of the prison problem and was a leader in the movement for substantial reform in our penal system.

Mr. Joseph Wearden and Mr. Frank L. Tiller are active officers of successful banks in their respective cities, and have had large experience in farming and its allied industries, and particularly in the raising and marketing of cotton and cotton products. These gentlemen, as members of the Marketing Committee of the Board, have made a most unusual record as to their work in that capacity, and have been many times commended by the Board and others for the results obtained by them in marketing the farm products of the System, which will be again referred to in connection with other charges. As an illustration of their work, it should be mentioned that cotton raised on the System in the fall of 1927 was sold at a premium of \$105,934.92, or the equivalent of \$12.19 per bale, based on Houston daily spot quotations. That this crop was sold to twelve different firms of buyers, as against two firms who had purchased the entire crop for 1926. That they realized \$1,696.94 out of discarded samples and loose cotton, which had not theretofore been sold for prison account. (Minutes, page 16.) All cotton was sold as delivered, on the open market, to the highest and best bidder and the following quotation from a letter addressed by one of those purchasers to Mr. Wearden is, so far as I am advised, an expression of the general attitude of those who have bid on prison cotton:

"I want to congratulate you on

the way the Prison System's cotton has been handled this year. I think you have gotten full value for every lot you have sold and above that, there has been absolutely no criticism in any way in the manner in which it has been handled. No favoritism has been shown, and the cotton has been offered in small lots, thereby enabling much more competition than theretofore. If all the departments of our government, State and Federal, were handled in as businesslike a way as this has been done, the country would be much better off."

At a meeting of the Board held on November 7, 1927, the foregoing letter was ordered spread upon the minutes of the meeting, as an expression of the attitude of the Board regarding the work of this Committee.

At a meeting of the Board held in January 2, 1928, by unanimous vote, a vote of thanks was given to this Committee for the valuable services rendered in the sale of the State's cotton during the preceding year. Those gentlemen have been in continuous touch with the marketing of the cotton crop during the cotton season, and it is the belief of the other members of the Board that no finer piece of public service has been done in Texas.

Mr. Lee Simmons has for years been a successful farmer, live stock raiser and business man in Grayson County, and is at the present time Secretary of the Chamber of Commerce of that city. He was former sheriff of Grayson County, and served as a member of the Legislature from that county. He was one of three private citizens of Texas chosen in 1925, together with five members each from the House and Senate to make an investigation of the Prison System, and which submitted a report regarding the advisability of centralizing or relocating the System, and which made a special study of the Prison System at that time. Mr. Simmons has devoted much of his time to the work of the Prison Board, and by reason of his long experience in cattle raising and live stock handling he has had special charge of matters for the Board relating to the purchase and sale of its live stock.

Dr. Henry Cohen has for many

years been Rabbi of a Jewish congregation at Galveston and thoroughly justifies the high praise given him by Lieutenant Governor Barry Miller in introducing him before the recent joint session of the Legislature, as one who had perhaps done more for the man who was down and out than any man in Texas. For many years prior to his appointment on the Prison Board, Dr. Cohen had taken a special interest in the welfare of the prisoners of Texas, and particularly in trying to salvage and secure employment for many discharged from prison. While it may be true that by reason of his profession Dr. Cohen's business experience has not been large, he is a man of sound business ideas, and his interest in the welfare of the men serving penal sentence has not been exceeded in the history of public service in this State.

Dr. A. C. Scott of Temple, who was the last member of the present Board to be appointed by reason of the fact that he at first declined to accept the appointment, is well known to the members of the Legislature and to the people of Texas. His reputation as a surgeon is national and he has been for years one of the leaders of his profession in this section of the country. In addition to his professional experience, Dr. Scott has been connected with many successful business enterprises and has devoted his spare time to farming and stock raising, in which he has been most successful and now operates a large dairy farm in addition to other farm properties. Dr. Scott directed a medical survey of the entire prison system, which was made in 1924, under authority of a joint resolution of the Legislature, and devoted much of his time during that year to that work without compensation. The report of his committee did as much as any one thing to arouse the people of Texas to a realization of the condition of the system as it then existed and to a necessity for a complete reorganization of the system and of the mental and physical examination and medical treatment of its prisoners. The Prison Board has with the utmost confidence placed Dr. Scott entirely in charge of the work of the Board relating to the health and medical treatment of the prisoners and sanitation on the prison system.

II.

That the Board Has "Knowingly, Willfully and Maliciously Made Expenditures" that were not Justified by the Appropriation of the last Legislature.

That the expenditures made by the Board have exceeded the appropriations made by the last Legislature is undoubtedly true; that such expenditures, however, have been made "willfully and maliciously," or for any other purpose than through an honest effort on the part of the Board to discharge the burden placed upon it by a very large increase in the prison population and the dilapidated condition of the prison system, is untrue.

The prison population on January 18, 1928, the day of Governor Moody's inauguration, was 3053. On July 1, 1927, immediately after the present Texas Prison Board took charge, the prison population was 3433. The increase in population from that date has been practically continuous until January 1, 1929, when the total population was 4570, or an increase of more than 1100. The appropriations made by the Special Session of the Legislature in June, 1927, for the two years ending August 31, 1929, were based on a population at that time of less than 34,000, and since that date the increase has been more than thirty-two per cent. The budget as prepared by the Prison Commission which preceded the present Prison Board, requested an appropriation of \$3,039,943.45 for that period, which was cut by the appropriation bill as finally passed to \$2,607,500.00, or a total cut of \$432,443.45, from a budget based on a population of less than 3400.

In addition to that, on September 1, 1927, the new Board turned back into the treasury \$92,388.37 of the appropriation for the year ending August 31, 1927. If this amount had been used for the purchase of supplies and materials and repairs which were later found absolutely necessary, the deficit for the year ending August 31, 1928, even with the large increase in population, would have been only \$89,311.28.

The large increase in population, which was evidently not anticipated by the Legislature in making its appropriations, necessarily increased

the maintenance cost of the System above the legislative estimate. It involved not only increased expenditure for rations for feeding that many additional prisoners, but also for their clothing, housing facilities, guarding, tools and farming equipment for their use, live stock for additional farming, repair of unused buildings, and many expenditures which would have been unnecessary with the smaller population.

It was found that many of the buildings on the System were in extremely bad repair, and that repairs and improvements which had not been provided for by the Legislature were imperatively needed. Many of the buildings on the System leaked badly. Provisions stored were suffering as a result, and in some instances it had been necessary to make temporary provisions to catch and divert water from leaky roofs over the bunks of the prisoners.

Many of the prison buildings were poorly lighted, with antiquated lighting methods, wholly inadequate, and greatly increasing the fire hazard; it was found that it was impossible to properly guard the buildings with the poor lighting facilities, and in a number of instances electric lights were provided.

The gins and ginning machinery on the System were in badly run down condition, and it was estimated by the members of the Board in charge of marketing the cotton crop, that during the fall of 1927 there was a loss of not less than \$50,000.00, due to condition of the cotton on account of the deficient condition of the ginning machinery at that time. New machinery was installed and repairs made to all gins.

The hospital facilities on the System were wholly inadequate and at the Goree Farm, where women prisoners are confined, it was found that white and negro women were being treated in the same hospital room, and that there was no provision for segregating prisoners of either race who were suffering from contagious or communicable diseases of the worst type. This condition was ordered changed immediately. Temporary relief was afforded by the addition of a new room to the building for negro women at the end of their sleeping quarters, and providing ad-

ditional plumbing and toilet facilities and other changes in the building for white women.

In other instances, repairs or improvements were made which, in the judgment of the Board, were absolutely necessary, a detailed statement of which has been submitted to the Finance Committee.

In making these expenditures not directly covered by the legislative appropriation, they were not only made "wilfully and maliciously," but were made in the belief that they were necessary, and with the utmost confidence on the part of the Board that they would meet with the approval of the Legislature and would be promptly provided for.

The Legislature had left the number of employes, the places to be filled, the amounts to be paid them, and the nature of the repairs to be made, to the discretion of the Board, within the amounts specified by it, and had it not been for the very large increase in the prison population, which had not been anticipated or provided for, it is the belief of the Board that their expenditures would have kept well within the limits authorized.

III.

That Without Authority the Board Employed B. A. Evarts at \$10.00 a Day to Make an Inventory of the Prison System and the Employment Continued for Six Months.

At the time the new Prison Board took charge of the Prison System, it concluded that one of the first things necessary for its work was a full and complete inventory of the prison properties turned over to the Board. A complete detailed inventory had not been taken for a long time, and it was necessary that the Board know what properties were delivered to it. At previous legislative investigations there had been serious charges of unaccounted for loss and disappearance of prison property. At the first meeting of the new Board, therefore, held on June 6, 1927, at which I was not present, the following action was taken by the Board, as shown on page 1 of the Minutes:

"On motion duly made and seconded, the Chairman was unanimously authorized and directed to employ clerical force necessary to take complete inventory of all property belonging to the Penitentiary System

and that this be done at the earliest possible date."

At the meeting of the Board held on July 4, 1927,

"Col. Baker advised the Texas Prison Board that one, Mr. B. A. Evarts, 2406 Morse Street, Houston, Texas, had been selected by him to take complete inventory of the property of the Texas Prison System," at a salary of \$10.00 per day. (Minutes, page 3.)

In making that report, Colonel Baker advised the Board that Mr. Evarts had been used by the Federal Land Bank, the Union National Bank, Marine Bank & Trust Company, Guaranty National Bank, Gulf State Bank, Houston National Bank and Federal Intermediate Credit Bank, all of Houston, in appraising land and cattle for loans thereon, and that he had been highly recommended as qualified for the character of work needed to be done by the Board, and that his work for those institutions was entirely satisfactory to them; and that Mr. Evarts had been instructed to make a complete, thorough and detailed inventory of property belonging to the Prison System. (Minutes, page 22.)

This work continued for a period of about six months, and a very complete detailed inventory of the prison properties, including the Huntsville Penitentiary and all of the fourteen farms at that time operated by the System, were made.

IV.

That the Board Employed B. A. Evarts as Assistant Warden, at \$300.00 per Month, Contrary to Law.

At the request of the General Manager, the appointment as Assistant Manager was authorized by the Board, at a salary of \$300.00 per month, and Mr. B. A. Evarts was appointed to that position. Mr. Evarts never served as Assistant Warden. The employment of an Assistant Manager was not unauthorized by law, as the employees to be employed and the salaries to be paid them was left to the discretion of the Board, as heretofore shown. Among the first conclusions reached by the Board was that the creation of the position of Assistant Manager

was necessary to the efficient operation of the System, as it was almost a physical impossibility for the General Manager to give efficient attention to the entire System without assistance; that much of the time of the General Manager would necessarily be taken up in visiting and supervising farms belonging to the System, and located at some distances from Huntsville, and that it was desirable if not necessary, that some one with authority be at all times in charge of the central office of the System at Huntsville. This conditions is reflected by the minutes of the meeting of the Board held on November 2, 1927, as follows:

"The question of a permanent General Manager and the need for an Assistant Manager was called to the attention of the members of the Board and briefly discussed. It appeared to be the unanimous idea of the members present that there is a need for an Assistant Manager for another year to relieve the burden, to some degree at least, on the Manager." (Minutes, page 13.)

Shortly thereafter, Col. W. H. Sayle, the Acting General Manager, tendered his resignation, and pending the selection of a permanent General Manager, the Chairman of the Board had appointed Mr. Evarts as Acting Manager. After the election by the Board of Mr. W. H. Mead as General Manager, he was authorized to employ an Assistant General Manager for the remainder of the year at a salary of \$300.00 per month, and Mr. Evarts was employed in that capacity. Mr. Mead later requested that the employment of Mr. Evarts be extended, explaining that it was almost absolutely necessary for him to have some assistance in connection with certain features of his work, particularly in managing and looking after the properties of the System, in attending to office details, and in taking charge of the office during his absence at other parts of the System; he explained that by reason of Mr. Evarts' familiarity with the properties of the plant as a result of his inventory, and of his temporary service as Acting General Manager, that he had found his services of great value to him and to the System. The employment of Mr.

Evarts was thereupon extended by the Board at the same salary.

V.

That the Chairman of the Board Employed Mrs. Elizabeth Speer as Executive Secretary at \$300.00 per Month, Contrary to Law, and Purchased an Automobile and Provided Her With a Chauffeur.

(1) As to the employment of Mrs. Speer: Section 6 of the Texas Prison Board Bill (H. B. No. 59, Acts 1927, Regular Session) provides that the Board shall organize by the election of a Chairman and a Vice-Chairman from among its members and that:

"The Board shall have authority to employ such clerical assistance as may be necessary for the discharge of its duties."

At the first meeting of the new Board, held on June 16, 1927, at which I was not present, the following action was taken:

"The Chairman was unanimously authorized to employ a Secretary and the Chairman was urged to do this at his earliest convenience," as shown by the Minutes of that meeting. (Minutes, page 1.)

Under the authority thus granted the Chairman of the Board appointed Mrs. Elizabeth Speer as Executive Secretary of the Board. At the time this appointment was made, no permanent General Manager has been selected for the System, and the Chairman of the Board had been compelled to give a great deal of his time, without compensation, to the details and routine of the work of the present System. It was the belief of the Board that he should have a competent secretary to relieve him of the burden of the detail work of his office. Mrs. Speer, who was selected by him for that position, had, in his opinion, unusual experience and qualifications for that position, and her appointment was recommended by three members of the Board. For several years she had been one of six women in the United States to serve on the Department of Delinquency of the General Federation of Women's Clubs of America. In the fall of 1917 Mrs. Speer was employed by the Fosdick Commission, known as the Commission on Training Camp Activities, directly under

the War Department, and served throughout the war in that capacity in connection with work of the Fosdick Commission at the Army Camps in this section. In 1920 Mrs. Speer was appointed Executive Secretary of the Arkansas Commission of Charities and Correction, and served with much success and distinction in that position until she was compelled to resign in order to return to Texas on account of the serious illness of a member of her family. After accepting that position she had spent several months visiting penal and correctional institutions in different parts of the United States and had made a special study of that work. In 1923 she was employed as Executive Secretary of the Texas Committee on Prisons and Prison Labor, an organization of citizens of Texas interested in substantial reform of the conditions of the Texas Prison System, and served in that capacity until her appointment as Executive Secretary of the Prison Board. As Executive Secretary of the Texas Committee on Prisons and Prison Labor, she directed the scientific survey of the Texas Prison System which was made under authority of an Act of the Texas Legislature, which was a most thorough and scientific survey of the Texas Penal System, and which is generally recognized throughout the United States as a great contribution to penology. Announcing the appointment of Mrs. Speer, the Chairman stated that it was made in the belief that she was the best qualified person in the State for the position.

(2) As to the purchase and use of car by Mrs. Speer: On this question I quote from a letter from Mr. R. H. Baker, Chairman of the Board, to Governor Moody on October 16, 1928, in reply to an inquiry which had been made by the Governor by reason of certain complaints made to him regarding the Prison System.

"The State has seven cars: there are two at Huntsville for emergency use by the Warden, the Assistant Warden, Master Mechanic and Head Carpenter; when convicts escape, guards and sometimes dogs are transported in a hurry to the scene of the escape, and any other use on short notice. I do not think it is necessary to go into detail other than emergency use, which is varied. There is another car owned by the

State at Ramsey Farm, and one at the Imperial Farm. This leaves three cars: one more directly to be used by the General Manager, which is in practically constant use—if not by him, then by his orders, though it is subject to use when needed for any purpose in the operation of the System. A chauffeur for this car is a necessity, and a convict trusty is so used. A car is used exclusively by the Auditor. Another car is kept at the Imperial Farm for emergency use. Mrs. Speer uses this car whenever there is need for her to use it and I send her here and there for information desired. She has used it in installing a canning system over the System; also in taking the Food Expert over the System, looking into the extravagancies of food, as well as the necessity for the proper kinds of food. Both of these are of great value to the System, both as to economy as well as minimizing complaints by prisoners, which have given much concern in the past. I use this car frequently when called to various places on the System. It is for the use of Board members whenever they want to go over the System. I sent Captain Hickman of the Ranger Service to Huntsville and back in this car recently. You will remember my calling for three Rangers at one time—an emergency case—and they were sent to Huntsville and returned to Houston in this car. This car is here for such uses and has been so used. It was kept at Huntsville formerly but because of the distance for short notice use, it is now kept at the Imperial Farm. A convict chauffeur is in charge of this car when in use. At present he is working in the Cotton Office, subject to call. He spends his nights at the Imperial Farm when not held for night work. The State pays for the meals of this convict when out in service, but when he is not, he gets his meals at the convict dining room whenever he is on the System."

VI.

That One Member of the Board Employed a Mrs. Duncan at \$200.00 a Month as Supervisor of Canning.

One of the early conclusions reached by our Board was that provision should be made for pre-

serving for the use of the system as much as possible of the food and vegetable products which were raised on the System. Instructions were given to all Farm Managers to attempt to raise on each farm vegetables enough for the use of the farm throughout the year, and in order to make them available it was necessary to have some provision for their preservation. In the absence of an adequate refrigerating plant, this could only be done by canning. For this reason a Canning supervisor was temporarily employed for the purpose of installing small canning plants on the prison farms, and of instructing the various farm employes in their use and operation. For this purpose Mrs. J. H. Duncan, who was formerly connected with the Extension Department of A. & M. College as Home Demonstration Agent, was employed from April 12th to July 1st, 1928, at \$200.00 per month. Small canning plants were established on eight prison farms at an average cost of \$238.00 each, and the following amount of vegetables and fruits canned for use by the Prison System:

7,713	Pints
33,838	Quarts
13,253	Gallons
195	Barrels

all raised on prison farms. It was estimated that the average price of canning these items in 1928 was approximately one-half the wholesale market price. The expense for the present year should be less by reason of the fact that the canning plants have been provided and the employes instructed in their operation.

VII.

That the Chairman of the Board Caused the Discharge as Warden of Mr. Speer, who received \$2,000.00 a Year, and Employed Mr. Harrell at \$3,600.00 a Year.

As to the discharge of Mr. Speer: Shortly after the appointment of the present Board there were submitted to the Governor charges of a serious nature relating to certain officials at the Huntsville Prison. These charges were submitted by the Governor to the Board, with the request that proper investigation be made.

At a meeting of the Board held on September 5, 1927, this matter

was discussed and, as shown by the Minutes:

"Col. R. H. Baker, the Chairman, was unanimously authorized to make investigation of the matter in his own way and to take such action as in his judgment might be necessary to correct the condition existing." (Minutes, page 5.)

I was requested by Col. Baker to assist him in this investigation and we spent two days at Huntsville for that purpose, interviewing every person available whose name had been suggested either before or during the investigation. As a result, under date of September 16, 1927, a report was submitted to the Governor in which one of the conclusions expressed by the Committee was as follows:

"It is our conclusion that Warden Speer is not the type of man who should be in that position. We do not believe, however, that there was before us sufficient evidence of a definite nature to justify us in requiring his immediate removal, and are inclined to think that unless this should be justified by subsequent developments that the matter of selecting a new Warden should be left until after the selection of a General Manager."

Copies of this report were sent to all members of the Board. The report was considered at its next meeting, as shown by the Minutes:

"On motion duly made and seconded, the committee on (this) matter was discharged, with a vote of thanks for the services performed and the satisfactory manner in which the entire investigation was handled." (Minutes, page 9.)

At the meeting of the Board held on May 7, 1928, the following action was taken:

"Mr. Mead, the General Manager, reported on conditions as he found them from his survey of the System, since he has been employed as General Manager. Among the several needs set out by Mr. Mead is the increase of salary of the Warden to the extent that we can employ the most efficient man possible for the position. On motion duly made and seconded, the Board voted to fix the salary of the Warden of the Texas Prison System at \$3,600.00 per annum, including a furnished house and also prison produced products from the prison farm."

Mr. Mead reported that it had been found almost impossible to procure the services of such a man as he thought the System should have for that position, at the salary then paid. After this was done, Col. McDaniel of San Antonio, a Colonel in the United States Army, who had been recently retired on account of a slight defect of hearing, was chosen for this position. Col. McDaniel resigned after a brief service, and the appointment of Mr. E. F. Harrell of Paris, Texas, was recommended by the General Manager and approved by the Board, with one dissenting vote. Mr. Harrell had served as Chief of Police at Paris and had later been in the State Ranger Service, and in that capacity had done some special work for the Penitentiary System under the direction of the General Manager. Mr. Mead has reported to the Board that he regards Mr. Harrell as a very capable and efficient Warden, and that the morale among the prisoners has improved greatly since he has been in charge, reference to which will again be made in connection with another one of the charges.

At a meeting of the Board held on November 7, 1928, the action of the Board as to the salary was reconsidered by fixing the compensation of the Warden at the salary of \$3,600.00 per annum, with no furnished house and with no provisions.

VIII.

That the Chairman Employed Mr. Kellesberger at \$125.00 a month and his Wife at \$150.00 Per Month to New Positions not Authorized by Law, and that Many Other New Positions have been Created Without Authority of Law.

(1) The law does not designate the positions which may be created by the present Board, leaving that to the discretion of the Board within the limits allowed by the total appropriation.

(2) Mr. Kellesberger was employed as Steward at the Huntsville Penitentiary, at a salary of \$125.00 a month, and served for a short time in that capacity, when he resigned and was succeeded by the present Steward, Mr. Coon, at the same salary. This was not a new position

created by the Board, but has probably been in existence ever since the penitentiary has been in operation.

(3) Mrs. Kellersberger was employed as Cooking Supervisor for the Prison System at a salary of \$150.00 per month and is still employed in that position. At the time the Board took charge there was much complaint by the prisoners as to the quality and lack of variety in the food served to them. The meals consisted mainly of fat fried bacon, beans and molasses, with little variation from day to day. It was found that in many cases prisoners would pour molasses over the food served to them, as a protest against the food served, and to prevent its being reserved. At the second meeting of the Board, the Chairman was authorized to request the Household Economics Department of the State University to make a survey of food conditions on the Prison System. Such survey was made under the direction of Miss Jansen and Miss Pinkney of that Department, two of the best qualified experts in the Department. The report of their survey showed that the food served did not furnish a properly balanced diet, that there was great waste in the food served, and that the cost was excessive, it being shown that staple food products were costing the Prison System more than the same articles served at the Cafeteria at the University. In view of these conditions the University Staff was asked to recommend a Cooking Supervisor for the Prison System and Mrs. Alma Kellersberger, a graduate of that Department, was highly recommended for the position and employed at a salary of \$150.00 per month. Mrs. Kellersberger spends her entire time supervising the work of the Steward's Departments, not only at Huntsville, but on the various farms, and the statistics for her department show the following results for the year 1928 as compared with 1927.

Rations per man per day:

1927	\$8.52
1928	7.99

Total cost per man per month:

1927	\$20.26
1928	19.36

Total cost per man per day:

1927	\$.67
1928	.64

The total cost per man per day includes the cost of clothing and guarding, but taking only the item of rations per man per month on the basis of the present prison population of 4,500 there would be a saving in this one item of \$1,935.00 per month, or \$23,320.00 per year, directly attributable to proper supervision of the prison food and to the work of the Canning Department. In addition, the quality of food has been much better and the variety greater, and as a result there has been far less complaint among the prisoners as to food conditions. I am advised by the General Manager that there has not been a food "buck" among the prisoners or a refusal to work on account of food, since the new system was installed, whereas before that time they had been common.

This position was not created without authority of law, for the reason that its creation is expressly authorized by Section 21 of the Prison Board Act, which is as follows:

"The Manager shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions and in sufficient quantity, and reasonable variety and he shall hold under officers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, he shall provide for the training of prisoners as cooks."

This provision in the Prison Board Act was a re-enactment of Article 6205 of the 1920 Statutes. In the report of the Legislative Committee investigating the prisons in 1921, that provision was quoted in full, with the following comment:

"We find that this Article of the statute was ignored and violated by under officers with the knowledge of the Prison Commission, and that there was no effort on the part of the Prison Commission to prevent its violation, so far as we were able to learn." (H. J. First Called Session, 1921, page 117.)

(4) As to the creation of new positions not allowed by law: As

heretofore stated, the law does not specify the positions to be filled by the Board, and does not prohibit the creation of new positions by it. The new positions which have been created by it are as follows:

(a) Assistant General Manager, \$3,600.00 per annum.

The reasons for the creation of this position have been explained in answer to Charge No. IV.

(b) Stenographer, General Manager's office, \$1,500.00 per annum.

This position was believed to be necessary by reason of a large increase in the clerical work of the office and by reason of the fact that much of it was of such a confidential nature that it was deemed inadvisable to trust it to prisoners as clerks.

(c) Assistant Criminal Record Clerk, \$1,500.00 per annum.

This position was created by reason of the fact that it was discovered that records of the Criminal Clerk's Office had been altered and changed and it was concluded that this work could not be entrusted to prisoner clerks. In one instance it was discovered that records had been altered by reducing a five year sentence of a Federal prisoner from five years to three years on the prison records, with the result that this prisoner was discharged on Federal parole after less than one year of service. After this discovery was made, the prisoner was again apprehended and sent to the Federal Penitentiary at Leavenworth to serve the remainder of his sentence. The employment of a trust-worthy Assistant Criminal Record Clerk was deemed necessary.

(d) Cooking Supervisor, \$1,800.00 per annum.

The reasons for the establishment of this position have been discussed above.

(e) Farming Supervisor (additional salary) \$1,000.00 per annum.

The first suggestion as to the necessity for a Farming Supervisor was made in a letter from one of the members of the Board to Colonel Baker of date July 21, 1927, after a visit by him to the various farms of the System, a copy of which was sent to other members of the Board, in the following language:

"Col. Sayle, (Acting General Man-

ager) has too much work to do and should have an Assistant Farm Manager. No one man can give enough time to details which should be attended to on fourteen large farms widely separated as they are, and, therefore, it is my suggestion that he be given an efficient Farm Manager whose duty it will be to give detailed attention to each one of the farms operated by us, and that he be under the direct supervision of Col. Sayle and Col. Baker. In furtherance of the foregoing suggestion, I recommend that Captain R. J. Flanagan, now at the Imperial Farm, be employed as an Assistant to Col. Sayle in the management of the different farms, and that he be located at his present residence, and that some competent person should be appointed to manage the Imperial Farm. I think that this Assistant Manager should have \$250.00 a month and his expenses."

The suggestion as to the necessity for a competent farm man to have general supervision of the farming operations of the System, met with the unanimous approval of the Board. It was found that there was a lack of coordination and cooperation in the operation of the various farms, and that general supervision of farming operations was essential to successful operation, and the creation of the position of Farming Supervisor was unanimously authorized by the Board. Captain Flanagan was selected for the position, but instead of appointing a new Manager for the Imperial Farm in his place, it was arranged to have him serve in both capacities with a salary of \$3,000.00 a year.

(f) Assistant Warden, \$1,080.00 per annum.

This place was made necessary by the large increase in the number of prisoners confined within the walls at Huntsville, and the policy of the Board to keep the worst offenders, such as life termers, hijackers, bank robbers, etc., within the walls.

(g) Superintendent Clothing Factory, Goree Farm, \$1,200.00 per annum.

It has been the policy of the Board to keep the women prisoners on the Goree Farm employed, as far as possible, in the manufacture of clothing for prisoners. The work

was being done in a haphazard sort of way, without competent supervision, and the appointment of a Superintendent or Supervisor for the Clothing Factory was deemed necessary. The General Manager advises us that the results have more than justified the appointment.

(h) Colored Chaplain, \$600.00 per annum.

On account of the large number of colored prisoners, it was deemed proper to provide them a Chaplain of their own race, which was done at a salary of \$50.00 per month.

(i) An Information Clerk at \$420.00 and Stenographer at \$300.00, total \$720.00 per annum.

The total annual expenditure for new positions, therefore, is \$13,000.00, or \$10,000.00 less than the saving effected through the Cooking Supervisor alone.

IX.

That the General Manager of the Prison System Spent \$4,200.00 in Repairs to his Dwelling, Which he Receives Rent Free in Addition to his Salary of \$8,000.00, and that the General Manager Admits that he had never Seen a Prison or Jail Prior to his Employment.

(1) Section 11 of the Act of the Texas Legislature creating the Texas Prison Board provides that the Board shall employ a General Manager and that:

"In addition to his salary, which salary shall not exceed \$8,000.00 per annum, said Manager shall be furnished with a dwelling house by the State," etc.

The salary of the General Manager of the Prison System is \$8,000.00 a year, and the amount paid him and the furnishing of a house free to him are, therefore expressly authorized by law.

Prior to the creation of the Texas Prison Board three Prison Commissioners, each receiving \$300.00 per month, had been furnished a residence, food supplies, an automobile and chauffeur by the Prison System. The combined salaries paid to those Commissioners was \$10,800.00 per annum, not including the houses, automobiles and provisions furnished them. The members of the Prison Board receive no salary. The expenditures for the General Manager, therefore, are substantially

less than those for the salaries and maintenance of the three Commissioners under the former system.

One of the residences formerly used as a residence for one of the Prison Commissioners, and which was selected as the residence of the General Manager, had been occupied for some time as a dormitory for Stewards and other employes; it was badly run down and in a bad condition of repair. The General Manager attempted to put it in proper repair for himself and his family, and as the work progressed found that its condition was such that the cost largely exceeded his original expectations. These repairs consisted of re-painting and papering, re-wiring and electrical work, pine floors new roof, plumbing, and a heating plant which was expressly authorized by the Board, connected with the power plant at the penitentiary, from which it is supplied with steam at nominal cost.

(2) It is true that Mr. Mead had not had any experience in the handling of prisoners prior to his selection by the Board as General Manager of the Prison System. He was, however, a graduate of the Engineering Department of Yale University, a man of large experience in engineering and business operations, and in successfully handling men working under him. At the time of his selection he was employed as engineer for a large corporation, and was highly recommended for the position by his former employers, both as to his business ability and his honesty and integrity. The law provides that the General Manager "shall possess qualifications and training which suit him to manage the affairs of a modern penal institution," but does not require that he should have previous experience in handling prisoners. In the selection of Mr. Mead the Board felt that he fully possessed the qualifications prescribed by the statute.

X.

That the Prison Board Discharged Some of the Best Farm Managers of the System Without Excuse.

To this has been also added a charge that successful Farm Managers had been intentionally removed by the Board in order to run the System into debt for the purpose of furthering the concentration

plan which had been recommended by the Board.

To both of these charges a specific denial is made. No man has been removed as Farm Manager except for what at least a majority of the Board believed to be good cause, and no employe has ever at any time been removed for the wilful purpose of increasing prison expenses or debts, or furthering a plan of concentration.

Specifically answering these charges, the changes are presented in detail, designating the farms by number rather than by name:

Farm No. 1. The Manager of this farm had been subject to legislative investigation during the session of the Thirty-ninth Legislature, after numerous complaints as to conditions on that farm. In view of the disclosures in that investigation and other complaints made regarding the management of that farm, a change in management was deemed advisable.

Farm No. 2. The Manager of this farm at the time of the appointment of the new Board had also been subject to investigation by the Thirty-ninth Legislature. Tubercular prisoners are confined at this farm, and the change was made as a result of complaints by the prisoners as to insufficient nourishment and as to the whippings of tubercular convicts.

Farm No. 3. The Manager of this farm was also under investigation by the Thirty-ninth Legislature and as a result of that investigation the Board thought a change should be made. At the time it was made, on March 1, 1928, the farm was in bad condition, some of the crops unplanted and conditions unsatisfactory. His successor had the reputation in his community of being one of the best and most successful farmers in Texas. He owned a large farm in his county and was employed as Manager of other large farms owned by outside interests. He took charge of this farm on March 1st and his management of it has been most successful. Notwithstanding his late start in planting cotton, his farm produced the first bale on the System and the first bale in the county in which the farm is located, and the Chairman of the Marketing Committee advised that the staple from his early samples of cotton graded higher than

any sample which had been produced during the previous year. While the total number of bales produced on the System in 1928 was 624 less than in 1927, this farm produced in 1928, 186 bales more than were produced in 1927, and 218 more than the average for the preceding twelve years.

In a letter written in October, 1928, by one of the members of the Board to this Manager, a copy of which was sent to me, the following statement is made:

"You have made a marvelous showing as a farmer and manager. The results obtained by you this year have far exceeded my anticipations."

Farm No. 4. A change was made at this farm as a result of investigation of charges of lax discipline and other charges.

Farm No. 5. During 1928 a change of management was made on this farm. The former Manager of the farm was one of the best men personally on the System and was thoroughly honest. He was rather advanced in years and had not had experience in farming on such a large scale as this farm required. It was on this farm that several hundred acres were uncultivated during 1928, about which complaint is made in one of the other charges hereafter discussed. As the results from the operation of this farm were not satisfactory, even to himself, he tendered his resignation during the summer of 1928, and a new Manager appointed who made an excellent showing. This farm raised 1045 bales of cotton in 1928, as against 260 bales in 1927, and as against a general average of 671 bales covering a period of thirteen years.

Farm No. 6. The last change made in Farm Managers was made since the first of this year. The Manager of this farm was a successful farmer and had made a good record in farming during his connection with the System. Complaints had been made, however, regarding treatment of prisoners on this farm. Two of the prisoners had died in the field in the summer of 1928. One prisoner who had attempted to escape had taken refuge in a tree, had surrendered after being located, and after descending from the tree was badly mutilated by dogs, and complained as to the action of the employes on this occasion. Other prisoners claimed that they were be-

ing punished for failure to pick sufficient cotton, when their records showed that they had picked more than the average for their squads for the days for which such punishment had been given. The General Manager and Chairman of the Board went to this farm for the purpose of investigating these complaints and reported that while there the Manager completely lost his temper, and according to reports made to the Board, was guilty of distinct discourtesy and insubordination toward the Chairman. He was relieved from the services as a result of the investigation referred to, and this action was approved by unanimous vote of the Board at a subsequent meeting, on the ground that he should be removed by reason of his conduct and action toward the Chairman of the Board, regardless of other matters.

It is proper to add that in not a single instance has a change in management or in any other position been made for political reasons, as has been charged, and in no instance has the Governor attempted to dictate the appointment of officers or employees. Neither Mr. Mead nor Colonel McDaniel were men known by the Governor at the time of their appointments. The Farming Supervisor chosen by the unanimous vote of the Board, had been an active opponent of Governor Moody in his first race. There is, so far as I can recall, only one employe on the System who was known to me prior to his selection. Every appointment has been made on what was believed to be the qualification of the appointee, and wholly without regard to political considerations.

XI.

That the Board, Through Mrs. Speer as Executive Secretary, has Destroyed the Morale of the Penitentiary System by Forbidding Physical Punishment of Prisoners.

Neither Mrs. Speer nor any one else connected with the Prison System has forbidden physical punishment.

At one of the first meetings of the Board it adopted rules and regulations for the government of the Prison System, submitted by the then Acting General Manager. Article 20 of these rules, relating to punishments, provided the follow-

ing modes of punishment only as being recognized by the rules to enforce discipline, and prohibit punishment by any other manner:

- (1) Solitary confinement.
- (2) Deprivation of privileges in whole or part.
- (3) Forfeiture of commutation in whole or part.
- (4) Reduction in grade.
- (5) Clothing in stripes.
- (6) Bread and water diet.
- (7) Whipping.
- (8) Standing on barrel, or standing in one position in the picket, neither form of this punishment to extend for more than three hours at any one time.

Sub-division 9 of Article 20 provides that:

"Prisoners in the third grade, who cannot be made to observe the rules by milder methods of punishment, may be punished by whipping, with the strap, with such number of lashes, not exceeding twenty as may be authorized by the General Manager."

It has been the very earnest purpose and desire of the Board to reduce the whipping of prisoners as much as possible, consistent with proper discipline. For many years this form of punishment had been abused on the Texas Prison System, and many of the constantly recurring complaints regarding the Texas Prisons arose from alleged brutality in the whipping of prisoners, some of which were fully sustained by legislative investigations. In most of the States whipping has been entirely abandoned as a form of punishment. The Board deemed it inadvisable to abolish it entirely, but as shown by the rules, to use it only when other means had failed. That its use has not been "forbidden" is shown from the following figures as to whippings administered for the months of 1928:

January	25
February	79
March	61
April	1
May	39
June	68
July	21
August	12
September	35
October	None
November	13
December	13
January, 1929	8

I am advised by the General Manager that the eight whippings in January were on order issued in December, and that no whippings requests were received in January.

Mr. Mead was appointed General Manager on March 19, 1928, and the large number of whippings during the months of March and June resulted from apparent attempts on the part of the prisoners to "try out" the new Manager, which made necessary a larger number of whipping orders than usual. It will be noticed, however, that there has been a very substantial reduction during the last half of the year and that the general average from July 1928, through January, 1929, has been less than fifteen per month.

Instead of morale being destroyed, I am advised by the General Manager that the morale of the prisoners at this time is better than it has been at any time since his connection with the System, and so far as his information goes, than it ever was. That there has not been a buck or mutiny among the prisoners for several months, and, as above stated, not a single whipping order was requested during the month of January. One of the best evidences of the prison morale was indicated by the unprecedented scene at the Huntsville Penitentiary several weeks ago when the men confined in that institution gathered in an hour's prayer service for the recovery of their Warden, who at that time was critically ill.

XII.

That Practically no Supervision has been Given the System by the Present Board.

The supervision of the System has been largely entrusted to the General Manager, as contemplated by the Prison Board Act, the Farming Supervisor and the Warden of the Huntsville Penitentiary. The General Manager advises me that his car speedometer shows that he has travelled more than 36,000 miles on prison work since his appointment in March, 1928, and that he has spent only three Sundays with his family during that time. Every member of the Prison Board has kept in personal touch with the situation by visits to Huntsville and to the farms, and some of the Board

have spent much of their time in supervising the sale of farm products, inspecting prison properties and other work for the Prison System.

XIII.

That the Chairman of the Board During the Seven Months he sat as a Member of the Old Board Never Spent as Much as Six Hours on the Prison Farm, Though he Received \$300.00 a Month Salary.

For more than six weeks Colonel Baker, the Chairman of the Board, has been confined to his home with illness and I am unable to furnish data as to the exact number of days spent by him on prison farms during the time he served as Prison Commissioner. Since he has been Chairman of the Texas Prison Board, however, Colonel Baker has devoted a great deal of his time to the affairs of the Prison Board, has visited the farms of the System and made number of visits to the Huntsville Penitentiary and devoted his best time, thought and energies to the affairs of the System.

Prior to the appointment of a permanent General Manager, he spent most of his time on Prison Board matters, much of which was occupied by a large amount of routine and detail work, until the appointment of a Secretary for the Board. In the opinion of other members of the Board, regardless of occasional differences as to particular policies, his work has been one of the finest examples of unselfish public service ever rendered to the people of Texas.

XIV.

That it has Always Been the Contention of the Chairman, the Executive Secretary and Several Other Members of the Board that the System Should be Moved and that the Present System has Never had a Fair Chance Under the Present Board.

It is the conclusion of not only the Chairman, but of all other members of the present Board, that there should be a proper concentration or centralization of the Penitentiary System of this State. At a meeting of the Board held on January 21, 1929, the views of the

Board were expressed in a formal resolution, unanimously adopted by it, which, as shown by the minutes of that meeting, was as follows:

"(1) That there should be a proper concentration of the entire Prison System.

"(2) That the Texas Prison Board or other proper officers should be vested with authority to purchase, sell and lease land for the Prison System and that the funds so received should be set aside in a special fund to be used for the purchase and improvement of a properly concentrated prison plant.

"(3) That the Board of Control should have authority to contract with the Texas Prison Board for the purchase of the agricultural, manufactured and other products of the Prison System for the use of the Prison System and other State departments and institutions."

The views of the Board were further expressed at the joint session of the two Houses of the Legislature held on January 31, 1928, and at the joint session of the Prison Committees of the House and Senate held on February 7th.

At no time, however, has the Board sought to force its views on the Legislature as to this matter, and their expressions at the times indicated were in response to an invitation extended by joint resolution of the two Houses. For myself I can say that since I have been a member of the present Prison Board, I had never discussed the question of centralization of the Prison System with any member of the House or Senate prior to the time of the joint session referred to, except one member of the House from my own county who had sought my views on that question. We have open minds as to where it should be concentrated, for the reason that we believe that that question can only be determined by careful investigation and inspection of suggested locations, without which it would be impossible to make an intelligent recommendation.

XV.

That more than 700 acres tilled in 1927 was left idle in 1928.

It is true that between six and seven hundred acres of land in cul-

tivation on one of the prison farms in 1927 was not under cultivation in 1928. The reason given by the Manager then in charge of the farm was that the extended rains during the late winter and spring had made it impossible to do so. That Manager resigned in 1928, and the reasons for it have been discussed in connection with Farm No. 5, under Charge No. X. The land referred to was planted in oats in the fall of 1928, and had an excellent stand.

XVI.

That the Board has not filed a report for the last year and is asking for \$181,000.00 to cover deficits and nearly \$700,000.00 as an emergency appropriation, and the report when filed will show an operating loss of more than \$1,500,000.00.

(1) The report for last year has not been filed for the reason that the law provides that on the 1st of January of each year, the Board shall cause a full and complete inventory of all property of every description belonging to the Prison System to be made, which is a necessary part of the report. That fact, and the illness of the Chairman, have made it impossible to complete it before this time.

(2) The Board has requested a deficiency appropriation of \$181,700.00., with 6% interest, covering purchases made and expenses incurred prior to September 1, 1928, a detailed, itemized statement of which has been submitted to the Finance Committees of the two Houses.

(3) Emergency appropriations have been requested for the remainder of the present fiscal year aggregating a total of \$510,468.20, and not \$700,000., as stated in this charge. This request covers not only estimated increased expenses due to increase in population, but repairs, additions and improvements which, in the opinion of the Board, are necessary to the operation of the System and to care for the increase in population, as well as for live stock and poultry which we believe should be bought, a list of which has been submitted in the requests for the appropriations.

(4) The operating loss of the System for the year was, according to the statement furnished by the Cashier, \$385,915. and not \$1,500,000., as claimed.

The requests for these appropriations, and losses, have been brought about for the following reasons:

1. Increased maintenance expense incident to the care of more than 1100 more prisoners than were provided for in the appropriations. This includes feeding, clothing, guarding, laundry, farming implements, drugs, transfer expenses to Huntsville, discharge expenses, and increased housing facilities. There were 364 guards employed on July 1, 1927, and 460 on January 1, 1929 or an increase of 96. At \$50. per month salary and an estimate of \$10. per month for maintenance, the increased expense for guards alone would be not less than \$69,000. per year. In the Act of 1927 the discharge payments were increased by the Legislature, and in a letter sent to the Board on November 12, 1927, Mr. H. W. Sayle, then Acting General Manager, estimated that the total discharge expense for the same number of men in the average discharged annually from 1923 to 1926, inclusive, would be \$62,649.46 more than the average cost for that item for the four years named. The transfer expense to Huntsville for 1927 was more than \$42,000., which has been greatly increased with the increase of prison population. All other maintenance expenses have increased in proportion.

2. Repairs and Improvements: On account of the condition of prison properties, and the necessity for additional housing facilities, large expenditures for repairs and improvements have been necessary. The major items were for repairs to gins and more gin machinery, electric lights, and other items specified in the request for emergency appropriations, including additional housing facilities at Huntsville and at the Wynne farm to replace buildings destroyed by convicts. The additional improvements asked for in the emergency appropriation aggregate \$64,400. of the total amount.

3. Live Stock: The live stock on the System when the Board took charge was wholly inadequate and the quality poor. Much of it had to be disposed of because not worth the expense of maintenance, and when the Shaw farm in Red River was abandoned one shipment of mules sent to the Fort Worth market did not bring enough to pay the

freight charges against the shipment. The recent purchase of about 300 new mules was necessary, at a cost of more than \$30,000. Additional live stock is badly needed, as shown from itemized statement in the request for the emergency appropriations, aggregating more than \$19,000.

The operating loss for 1928 was due mainly to the following causes:

1. Increased expense of operation, as above indicated.

2. Reduced cotton production. The cotton prospect on July 1, 1928, was as fine as the System had ever had. unfavorable weather conditions during the summer months, however, caused great deterioration in the cotton crop over the System, as it did over Texas generally, and the net production was less than in 1927.

3. Lower grade of cotton, due to excessive rains during the picking and ginning season.

4. Lower price of cotton, which materially reduced the net receipts.

5. Lower price of cane.

6. Failure to collect for \$42,000. of cane sold, by reason of refusal of purchaser to pay for cane purchased on account of claim for alleged damage by Johnson grass to the Blakely farm leased to the System under previous management, under lease, which expired December 31, 1927. The Attorney General has been requested to file suit immediately to recover the contract price of this cane.

There seems to be a misapprehension on the part of some members of the Legislature in regard to the system of financing the Prison System, in the belief that in addition to the appropriations made by the Legislature the System also had spent the revenues received by it. Prior to 1927 that was true, but under the 1927 Act every dollar received by the Prison System is deposited in the Treasury to the credit of the general fund of the State, and none of it is used by the System. The amount thus deposited in 1927 was \$1,220,206.43, and in 1928 was \$946,757.16, to which should be added \$38,996.04 value of cotton and cotton seed unsold January 1, 1929, and \$42,000., value of cane sold and not paid for, making a total value of \$1,027,753. for the 1928 crops and other avenues.

I have been somewhat delayed in the preparation of this statement by reason of the fact that I have been Vice-Chairman of the Board for only about three weeks, and was not familiar with all of the details covered by the charges. I believe, however, it now fully covers all of the charges made.

Sincerely,

K. M. ODELL, Vice-Chairman,
Texas Prison Board.

(Dictated but not read.)

Carrigan, Britain, Morgan & King
Attorneys at Law

Wichita Falls, Texas, Jan. 29, 1929.
Hon. W. D. McFarlane,
Austin, Texas.

My dear sir:

This acknowledges receipt of yours of the 24th inst. It did not reach me, however, until this afternoon. I am still confined to my home but am able to be up and about the house. I am still free of fever, but have not regained my strength sufficient to return to the office.

I had my heart set on the fact that I would go with your committee to inspect these farms and show the members enough in order that they would not be imposed on by a bunch of designing lobbyists. The press reports that your committee is now on a tour of inspection, and I hope that you will be able to enlighten this committee and prevent them from being duped. I have also received a letter from a friend of mine at Houston and he tells me that Mrs. Speer seems very much incensed at you for offering a bill to provide for an auto tag factory. I don't wonder at it. You ought to have gotten the consent of this executive secretary before you offered the bill, and hereafter you should get her approval of everything you do. I was very much in hopes that I would be able to get to Austin one day this week, and it may be that I will slip off the latter part of the week and come down to see you, if I am permitted to do so by my doctor. If I do not get there and his majesty the chairman of the Board should appear before your committee in all his glory and pomposity, I want to refresh your memory as to the nature of the questions to be propounded to him.

1. Ask him if it is not a fact that the Board authorized him to employ a party to take an inventory of the Prison property on the 16th day of June, 1927, and that he employed one B. A. Evarts to take this inventory? That B. A. Evarts pretended to take this inventory from about the first of July 1927 to the 28th day of February, 1928; that Baker without consulting the Board fixed his salary at \$10.00 per day and expenses, giving him also all the clerical help he desired.

2. That the law creating the Board provided that it should have an inventory taken the first of each January. This was not done January, 1928 and I predict that it was not done January 1, 1929. This is merely to show that Baker will not obey the law.

3. That Baker requested the services of a secretary in September, 1927 and was authorized by the Board to employ one. That he employed Mrs. Speer and without the advice or consent of the Board paid her \$300.00 a month, and that the Board was not advised as to this until the first Monday in May, 1928 when Simmons and myself led a fight against it. It was also reported to me that Mrs. Speer was not a stenographer and that, at the expense of the Board, she employed a stenographer. The statute authorized the Board to employ clerical help, which could only mean stenographer's assistance, and not an executive secretary at an enormous salary of \$300.00 a month and expenses. A friend of mine at Houston informed me that Mrs. Speer had the use of a Prison car and driver to take her backwards and forwards to her meals and do social errands. I do not know the truth of this, but I believe it. If Mrs. Speer has done ten cents worth of benefit to the Prison System I never heard of it, and I cannot imagine how she could earn \$300.00 a month and have the use of a car and driver at the expense of the State.

4. From the Prison report you can readily see that under Colonel Sayles' management of the System for the year of 1927, as I recollect it, the cost of the maintenance and support of the Prison System for the year of 1927 was less than \$105,000.00 per month. On the first of

March, 1928 we elected Mead as General Manager at a salary of \$8,000.00 a year. Sayles only received \$4,000.00 and was content to occupy one of the buildings owned by the System. For the year 1927 he so managed the System as to make it pay. You will observe that we were allowed for salaries, maintenance and support of the Prison System for the year beginning September 1, 1927 and ending August 31, 1928, the total sum of \$1,303,750.00 or an average of about 108,000.00 a month for such purposes. You demand the amount of expenses paid out of this appropriation from the first of September, 1927 to the first of March, 1928, and you will find that for that six months there was not used more than about the \$105,000.00 per month. If you will demand a statement as to the exact amount expended or incurred for the purposes aforesaid from the first of March, 1928 to the first of September, 1928, you will find that during that six months when we had a high-class manager and executive secretary that our expenses exceeded the appropriation between one hundred seventy-five and two hundred thousand dollars. I saw that this extravagance was going to put us in bad in 1928 and I complained to the Board about it then and was met with the idea that we had more convicts and that it cost more to maintain the System and as long as I stayed on the Board I was met with that proposition. I knew that was untrue and for the month of August, 1928 I had a statement prepared by the auditor and you have it. It shows that the expense of maintenance of the System for employees who received over 100.00 a month amounted to \$1,500 to \$2,000 more in August, 1928 than it did for August, 1927. That shows that the increased number of convicts was pure and unadulterated bunk.

5. Demand statements as to the amount of these expenses for each month from March 1, 1928, to December 31, 1928, and you will see that the cost and maintenance increased enormously and beyond any possible reason.

6. Ask the learned chairman the amount of money earned by the System between March 1, 1928, and January 1, 1929, and compare that

with what was earned under Col. Sayles' management in 1927 for the like period. I know what the result will be because it will astound you.

8. Under the statutes the Manager must operate the System under the direction and supervision of the Board and cannot hire or discharge employees without the approval of the Board.

(a) When I went on the Board there was a Farm Manager for the Wynne Farm. If I remember his name was Ross, and he conducted that farm to my satisfaction. In March, 1928, I discovered by accident that we had lost Ross and another party was in charge of that farm. The successor of Ross died some time in the spring of 1928 and another man was placed in charge of the Wynne Farm and still another and if either of them were ever appointed with the approval of the Board I never heard of it. It was never explained to me why Ross left the System.

(b) The Blue Ridge Farm was managed in 1927 by Captain Henderson, and if you will examine the report for that year he made the System money. He was very acceptable to me. He left the employ of the Prison System some date I never have found out. His successor was appointed, but whom I do not know. Another party was placed in charge of that farm and I discovered it by an inspection of the farm in May, 1928. The release of Henderson was not explained by the Manager or by the Chairman, or by Mrs. Speer. I did, however, approve of the appointment of the last man, but it was not put up to me for that purpose. In other words, the Managers were employed and discharged without the knowledge and consent of the Board, as far as I know.

(c) The Manager at the Clemens Farm was discharged some time before May, 1928, and I only discovered it by an inspection of the farm, and several members of the Board told me that they did not know it.

(d) About the first of May I discovered that a new position had been created. It was Supervisor of Canning. I discovered this by coming in contact with her in my inspection of the farms. When I asked about it the Chairman was rather indignant. This was Mrs. Duncan. I

thought that the Board ought to at least know about the creating of this position paying \$200.00 a month and expenses, and they should have had a right to approve or disapprove it. It is true that in May they did approve it, but it was only after I had raised my protest against it.

In April, 1928, our Warden, Mr. Speer, resigned, and I tried to prevent the acceptance of this resignation. I never did know what caused him to resign. He received \$2,000.00 a year and paid house rent and received no provisions for his support. At the May meeting the Chairman notified us that he had selected an ex-army officer to fill this position, to which I protested, without avail, at \$3,600.00 a year and farm products for his sustenance. Colonel Baker left the State of Texas about the 6th or 7th of July, 1928, for a visit to Honolulu. That left me Chairman of the Board. The last mentioned Warden resigned and about the middle of July, while acting as Chairman of the Board, I got notice through the daily press that a new Warden had been appointed, and this was not approved until November when I called the matter up for attention. I objected to his approval and objected to his receiving house rent free or provisions, and also objected to him receiving \$3,600.00 when our former very efficient Warden only received \$2,000.00 a year. I made an inspection of the Prison System in August, 1928, and when I went to Huntsville I found that our very efficient Steward there had been removed back in April, and finally discharged in the early part of May. This had never been reported to the Board, so far as I know, and I had no knowledge of it. No excuse has ever been rendered me why this was done. This steward received \$100.00 per month and was charged \$15.00 per month for room rent. I received a report that this steward had been supplanted by a man by the name of Kellersberger at \$125.00 per month, and that a new office had been created, that of dietician, and that given to his wife at \$150.00 per month, and I am positive that this was never reported to the Board while I was present, and no excuse was made to the Board as far as I know why these things

should be done. Kellersberger and his wife were furnished house rent free and farm supplies for their sustenance, evidence of which you have in your possession. In addition to this, somebody connected with the Prison System, I do not know who, paid for the transportation of these parties from Austin to Huntsville out of Prison funds, amounting to something between \$50.00 and \$75.00. In the latter part of August in my inspection of the Goree Farm I found an old man and his wife in charge of that farm, and it was reported to me that they had been there since some time in May previous. This old man and his wife was the father of Mrs. Duncan, who had therefore been selected as Canning Supervisor.

I also found at the Goree Farm that Mrs. B. A. Everts, the wife of the man who pretended to make an inventory, and it was reported to me that she was there supervising the garment factory at only \$100.00 a month. I don't remember that this had ever been submitted to the Board. In addition to that I found that there had been employed at the Goree Farm a professional nurse for a salary I do not know, but I do know that it was not with the approval of the Board while I was present, and I was present at each meeting of the Board while I was on the Board.

In my inspection in August when I found this state of affairs, I went to the prison walls at Huntsville and found out that B. A. Everts was employed at \$3,600.00 a year as assistant manager. I had discovered that he was so acting in May, 1928, and I protested from his receiving a cent from the State, as I regarded his services utterly worthless. It was further reported to me that Everts and wife had at their command a State owned car and a driver, the use of one of the prison owned residences and farm products furnished them free. It is needless to say that I protested against all of it.

Compare all these high-salaried officers and employees with other State officers and it will shock you. In 1927 Colonel Sayle, who made us money and who was both efficient and honest, having served through Governor Neff and Mrs. Ferguson's administrations, received \$4,000.00

a year and no assistant, and after March 1, 1928 the System was burdened with \$8,000 a year for Mead, \$3,600.00 a year for Everts, as assistant and \$100.00 a month for Mrs. Everts and \$150.00 a month for Mrs. Kellesberger.

If Mead or Baker get on the stand, ask them who selected these various people above mentioned and who recommended them, and who it was that recommended Mr. and Mrs. Kellesberger at \$275.00 a month, free house rent and free transportation. Who it was that selected the prison warden. Who it was who ordered the farm house on the Clemens farm remodeled and which was reported to me equipped with three bath rooms. Ask them how much it cost to remodel this farm house and I assure you that you will not be able to find out. Ask them why it was that they did not get the approval of the Board to do this work. Ask these gentlemen who authorized the repair of the residence for Col. Mead at Huntsville and why it was that the parties who authorized it could not have obtained the approval of the Board, at least by letter. I will guarantee to you that you cannot find out how much it cost to repair Mead's residence at Huntsville. In November I found out by the month of September and October that the expenses were entirely too much. I saw from the start that Baker and Mead could not be curbed in spending money, consequently I did not desire to be held responsible for these things and I resigned. Of course, it was very much to the gratification of Baker, Mead, Everts and Mrs. Speer.

As soon as I get to the office I will send you two of Mead's reports and the last three reports I received from the cashier. I received no report from him for December, although I requested it. You demand a full report as to the receipts and expenditures for the entire year of 1928 by months. Under no circumstances permit Baker, Mead, Everts and Mrs. Speer to spend any Texas money without the approval in writing of the entire Board.

I am dictating this from my residence.

Your friend,
A. H. CARRIGAN.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 13 carefully examined and compared, and find the same correctly enrolled, and have this day, at 9:10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 29 carefully examined and compared, and find the same correctly enrolled, and have this day, at 9:10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 34 carefully examined and compared, and find the same correctly enrolled, and have this day, at 9:10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 33 carefully examined and compared, and find the same correctly enrolled, and have this day, at 9:10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 32 carefully examined and compared, and find the same correctly enrolled, and have this day, at 9:10 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 221 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 296 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 341 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 517 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 161 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Finance, to whom was referred

S. B. No. 308, A bill to be entitled

"An Act making an emergency appropriation of two hundred seventy-five thousand (\$275,000.00) dollars to provide for the immediate construction of one fire-proof library building at the East Texas State Teachers College of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Finance, to whom was referred

S. B. No. 70, A bill to be entitled "An Act providing for the purchase of certain real estate located in the City of Austin, north of the Capitol building and south of Fourteenth street for State purposes; making an appropriation for such purposes; and declaring emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Finance, to whom was referred

S. B. No. 430, A bill to be entitled "An Act to appropriate \$300,000 or so much thereof as may be necessary from any funds in the State Treasury not otherwise appropriated to supplement the rural aid fund for 1928-1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Finance, to whom was referred

S. B. No. 295, A bill to be entitled "An Act making an emergency appropriation of four hundred thousand

(\$400,000.00) dollars to provide for the immediate construction of two dormitories at the Agricultural and Mechanical College of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Constitutional Amendments, to whom was referred

S. J. R. No. 21, A Joint Resolution "Proposing an amendment to Section 23 of Article 4 of the Constitution of the State of Texas, fixing the compensation of the State Comptroller of Public Accounts, the State Treasurer, and the Commissioner of General Land Office, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

S. B. No. 502, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First called Session of the Fortieth Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional compensation for the County Auditors in such counties where there is a joint city and county hospital and where a special audit for such hospital must be kept and report made to the city and county, and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 514 A bill to be entitled "An Act to amend Article 7482, and Article 7485, as contained in Chapter One of Title 128 of the Re-Session of the 39th Legislature as amended by Chapter 107 of the General Laws of the State of Texas, passed by the First Called Session of the 40th Legislature in so far as such chapters apply to counties having a population of not less than 10,000, nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such Acts in counties having a population as above stated, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 92, A bill to be entitled "An Act making it lawful for the Commissioners' Court of Clay, Archer, Baylor, Young, Wise, Wilbarger, Wichita, Coryell, Callahan, Jackson, Eastland, Wharton and Brazos Counties to pay out of the General Fund of such Counties, bounties for the destruction of predatory animals, providing that on petition of two hundred freeholders, the Commissioners' Court, of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 413 A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the 40th Legislature, Page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas; and providing penalized Civil Statutes of Texas; also to amend Article 7960, Chapter Five of Title 128 of the Revised Civil Statutes of Texas; for the purpose of fixing compensation of the members of the State Board of Water Engineers and of the Reclamation Engineer of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 519, A bill to be entitled "An Act conferring upon corporations engaged in the business of supplying electric energy and gas, or either, to the public, the right to set their poles, piers, abutments, wires, pipe lines, manholes and other fixtures in, along, upon, across and under, any of the public roads, streets or waters of this State, and the streets and alleys of any incorporated city or town of this State, with the consent and under the direction of the governing board of such city or town, and providing that all such construction on State Highways shall be subject to such rules and regulations as may be from time to time adopted and published by the State Highway Department; and, further, that all pole lines constructed on and along any public roads and streets shall be single-pole type of construction and operating at a voltage not to exceed 15,000 volts; and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 500 A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas as passed by the Regular alties for violations; and declaring emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 489 A bill to be entitled "An Act fixing the compensation of Constables and Assistant or Deputy Constables of Justice Precincts which have a population of one hundred fifty thousand inhabitants or more, and which are in a county having both a District and County Attorney, and having two or more County Courts at Law, and providing for the manner of their payment, and providing for the manner of appointment of such Assistant or Deputy Constables, and providing for the disposition of Fees collected by such constables, and repealing all Laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 515 A bill to be entitled "An Act to amend Article 4053 of 1925 Revised Statutes relating to the issuance of permits by the Game, Fish and Oyster Commissioner to applicants to take sand, shell, gra-

vel, marl or mudshell from the public waters and their beds or public islands by providing that the Game, Fish and Oyster Commissioner shall not issue any special privilege or exclusive right to any person, association or persons, corporate or otherwise, to take or carry away any of the sand, shells, gravel, marl or mudshell from any of the public waters and their beds or public islands, for a longer period than five years; providing when this Law shall take effect and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 180, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature by adding to said Article 1302 a new subdivision to be known as Subdivision 91, providing for incorporation for the establishment, support and maintenance of automobile clubs for the mutual benefit and protection of automobile operators with power to acquire and own all property incidental to such business, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 443, A bill to be entitled "An Act to promote the commercial potato growing industry in Texas; to authorize the Commissioner of Agriculture to fix and promulgate official standards for grading, classifying and inspecting Texas grown potatoes; to cooperate with the United States Department of Agri-

culture in accomplishing the purposes of this Act; to enter into agreements with the United States Department of Agriculture with regard to regulating the inspection of potatoes; to make all necessary rules and regulations to enforce the provisions of this Act, conforming as nearly as practicable with similar regulations prescribed by the United States Department of Agriculture; to provide for the enforcement of this Act by inspectors appointed by the Commissioner of Agriculture and by the commissioners' court of the county within which the duties of such inspectors are performed; to provide a method of payment of such inspectors; to provide notice by commissioners' courts of counties desiring such inspection to all common carriers receiving shipments of potatoes in car lots within such counties, of the appointment of such inspectors, and prohibiting such common carrier after such notice, from receiving or accepting for shipment any Texas grown potatoes not graded and classified by inspectors appointed by the Commissioner of Agriculture; prescribing the duties of inspectors so appointed, and of common carriers in connection therewith; providing for the collection of fees from persons offering such potatoes for shipment and limiting the amount of such fees so collected; providing for the payment of such fees into the county treasury of the county in which such inspection is made; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred:

S. B. No. 524, A bill to be entitled "An Act providing for neighborhood roads in Brewster county, Texas, under certain conditions and circumstances; and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 178, A bill to be entitled "An Act amending Title 49, Chapter 2, Section 11, of Article 2613, authorizing the Governor of the State of Texas to accept gifts of lands to the State to be held and administered as state forests, under the direction of the Board of Directors of the Agricultural and Mechanical College of Texas, providing that the conveyances of such property shall be upon such terms and conditions as may be agreed upon by the grantors of said property and the Board of Directors of the Agricultural and Mechanical College, to purchase lands to be used as state forests, providing that the form of all conveyances shall be submitted to the Attorney General for approval and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 224, A bill to be entitled "An Act declaring certain fur bearing animals the property of the State of Texas, such as wild beaver, wild otter, wild fox, wild raccoon, wild badger, wild mink, wild ring-tail cat, wild polecat or skunk, wild opossum and wild civet cat, and protecting the same; making it unlawful and a misdemeanor, for the period of five years after the passage of this Act, in certain territory of the State of Texas, to take or attempt to take, for barter or sale, by dog, trap, snare, deadfall or any mechanical device, or to shoot or attempt to shoot for any purpose, or to possess such animals or the pelt

thereof, when so taken or shot, in said part of Texas; making each trap set, each animal and pelt thereof so taken or shot, or possessed, and each attempt to so take or shoot, a separate offense; providing penalty for same; providing certain exceptions; repealing all laws in conflict therewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the Committee Substitute, hereto attached, do pass in lieu thereof.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 140, A bill to be entitled "An Act to prevent expending public funds for improvements or construction by day labor costing over \$5,000.00 without estimate, plans and specifications therefor and advertisements for bids and keeping and filing cost accounts and statements, excepting ordinary maintenance and repair work and work made immediately necessary by public calamity, and providing penalty for violation of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass, but that the Committee Substitute, with Committee Amendment, hereto attached, do pass in lieu thereof.

WIRTZ, Chairman.

Committee Amendment.

Amend S. B. No. 140 by striking out the words "State board, Commission, department or other agency having power to contract for public improvements on the faith of the State," and in lieu thereof insert "incorporated city or town having a population of 5,000 or more."

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 357, A bill to be entitled "An Act amending H. B. No. 50, Chapter 270 of the General and Special Laws passed by the Fortieth Legislature of the State of Texas at its Regular Session so as to repeal Sections 3, 5, 6, 7, 8, 9, 10 and 11 of said Act and adding a new section to be known as Section 5 to provide that any person, firm or corporation, or association, or persons shall have the right to use any of the public roads or highways of this State for the purpose of operating motor busses for hire who shall comply with all the remaining provisions of said Act and the regulations of the Railroad Commission lawfully enacted under such remaining provisions thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass, but that the Committee Substitute, hereto attached, do pass in lieu thereof.

WIRTZ, Chairman.

C. S. S. B. No. 357.

A BILL

To Be Entitled

An Act amending H. B. No. 50, Chapter 270 of the General and Special Laws passed by the Fortieth Legislature of the State of Texas, at its Regular Session, so as to add a new section to be numbered Section 5-A, providing that no application for a certificate or permit of public necessity and convenience shall be denied on the ground that existing transportation facilities over the highway covered by such application are adequate, and in the event of the denial of any such application, the applicant may appeal to the district court of the county in which he resides or in any county in which the highway involved is situated or through which it runs for a review of the action of the Commission; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That H. B. No. 50, Chapter 270 of the General and

Special Laws passed by the Fortieth Legislature of the State of Texas at its Regular Session be and the same is hereby amended by adding thereto a new section to be known as Section 5-A, to read as follows:

"Section 5-A. Provided that no application for a permit or a certificate of public necessity and convenience shall be denied on the ground that the existing transportation facilities over the highway in question are adequate, but if the applicant is able and willing to comply with all requirements of this Act and the rules and regulations of the Commission, and is able to furnish safe equipment for the operation of the line covered by such application, such application shall be granted.

"In the event of a refusal of any such application by the Commission, the applicant may have the matter reviewed in any district court of the applicant's residence or domicile, or any district court in which the highway involved in such application is situated or may run, the trial before such court to be de nova, and such court shall have the right to grant the application, and to enter such order in respect thereto as may appear proper to such court.

Sec. 2. The fact that under the terms of said H. B. No. 50 monopolies have been created whereby combinations of capital have been formed to control the motor bus industry of this State and monopolize the use of the public highways and roads constructed at the expense of the taxpayers for the purpose of private gain, and the public interest demands that the highways and roads of this State be free to the use of all persons complying with the laws and regulations legally enacted for the regulation of motor busses creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days in each House be and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

(Minority Report.)

Committee Report,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 357, A bill to be entitled "An Act amending H. B. No. 50, Chapter 270 of the General and Special Laws passed by the Fortieth Legislature of the State of Texas at its Regular Session so as to repeal Sections 3, 5, 6, 7, 8, 9, 10 and 11 of said Act and adding a new section to be known as Section 5 to provide that any person, firm, corporation, or association of persons, shall have the right to use any of the public roads or highways of this State for the purpose of operating motor busses for hire who shall comply with all remaining provisions of said Act and the regulations of the Railroad Commission lawfully enacted under such remaining provisions thereof; and declaring an emergency."

Have had the same under consideration, and beg to differ with a majority of your committee and report the original bill and the Committee Substitute back to the Senate with the recommendation that they do not pass.

HORNSBY,
WITT,
WESTBROOK.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. C. R. No. 24, Memorializing the Congress of the United States of America to extend Federal Aid as relief to Reclamation, Drainage and Levee Districts by means of non-interest bearing loans.

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

STEVENSON, Chairman.

By Woodul. S. C. R. No. 24.

Memorializing the Congress of the United States of America to extend Federal Aid as relief to Reclamation, Drainage and Levee Districts by means of Non-interest Bearing Loans.

Whereas, The Federal Government has long extend aid by means of loans to districts created to provide for irrigation, drainage and the

prevention of floods, in parts of the United States; and certain legislation is now pending in Congress to extend Federal Aid to existing levee, irrigation and reclamation projects in all parts of the Nation: and

Whereas, There are located in the State of Texas many important reclamation districts which were in great part provided to meet the Nation's demand for increased agricultural production during the World War; and have added greatly to the taxable values where same are located, and since the year 1920 there has prevailed a continuous and serious depression in agriculture, and these conditions have imposed heavy taxes and other burdens on the land owners to prepare said lands for cultivation: and

Whereas, These burdens have proved to be oppressive under the existing conditions and in many instances, in the absence of aid, will result in the owners losing their lands; further that if aid is not given at once great loss will result to said districts and the improvement already constructed will deteriorate: and

Whereas, The protective works existing in Texas and elsewhere serve to promote the public welfare and to conserve the public interest in the following particulars, viz:- (a). By reason of such works railways and Federal aid highways carrying interstate commerce may more economically be constructed and maintained: (b). Periodic interruption of the mails, both by rail and by highway carriers, and interruption of the carriage of interstate passengers and freight, are avoided: and

Whereas, Many reclamation projects involve works, and co-ordination of operations, in more than one State; and each and all of the foregoing considerations do arise out of matters, or do affect matters, concerning which the Federal Government has assumed control, or concerning which it has declared a policy of manifest interest; and

Whereas, The problems presented cannot be adequately solved by the several States: therefore be it

Resolved, By the Senate of the 41st Legislature of Texas, the House of Representatives concurring, that we do hereby respectfully urge the present Congress of the United States of America to enact into law

provisions for adequately extending Federal aid by means of making loans to existing districts now created under the law for the purpose above stated so that the outstanding obligations of such districts may be refunded and the times for payment extended; the protective works rendered efficient and adequately maintained, and the owners of the protected lands given relief from the present oppressive burdens in building and maintaining said improvements. This we deem to be required to avert a great public calamity of nationwide importance. Be it further

Resolved, That certified copies of this resolution be delivered to our Senators and Representatives in the Congress of the United States.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Finance, to whom was referred

S. C. R. No. 25, A concurrent resolution

"Relative to accepting Dickson Colored Orphanage of Gilmer, Upshur County, Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

POLLARD, Chairman.

Accepting Dickson Colored Orphanage

By Pollard. S. C. R. No. 25.

Whereas, Dickson Colored Orphanage, incorporated, executed and delivered a deed on February 9, 1929, conveying to W. H. Francis, trustee, a tract of land near the town of Gilmer, Upshur County, Texas, the same containing an aggregate of about seven hundred (700) acres all in a solid body, together with all improvements thereon, said improvements consisting of forty (40) buildings on the campus, thirteen (13) buildings, including barns, on the farm, upwards to thirty (30) head of cattle, several teams of mules, with harness, miscellaneous farm equipment and a good fence enclosing all of said land, part of which is hog wire fence, all of which land and improvements constitute

the Dickson Colored Orphanage; and

Whereas, It is provided in said deed that the title to said property and improvements is to be transferred by said trustee to the State of Texas at any time after the donation aforesaid has been accepted by the State and the Legislature should express a desire to have such transfer made; and,

Whereas, It has been determined that the property herein is suitable for a state orphanage for colored children and is well located with reference to the colored population of the State of Texas and for the purpose for which it is maintained, and it having been made to appear that the same is now vested in fee simple in W. H. Francis, trustee, as aforesaid, and that he is now ready, willing and anxious to execute and deliver his deed conveying the property to the State for the purpose herein set forth; and,

Whereas, The State of Texas has not established and does not maintain an orphanage asylum for indigent colored children; and,

Whereas, The State of Texas, acting by and through the Legislature, desires to show its appreciation of its colored citizenship by making ample provision for the maintenance, education and training of its indigent colored children; therefore be it

Resolved, By the Senate of Texas, the House of Representatives concurring,

That the donation on the part of the Dickson Colored Orphanage, incorporated, of the lands and premises and improvements herein, and described in the deed conveying the property to W. H. Francis, trustee, in trust for the State of Texas for the establishment of an orphan asylum for colored children, be and the same is hereby accepted, and said trustee is hereby directed to execute and deliver the proper deed conveying said land and premises unto the State of Texas for the purpose herein specified, free from all debts, liens or encumbrances of any character whatsoever. The instrument to be executed and delivered shall be drawn by the Attorney General, and, after its execution, shall be delivered to the State Board of Control of this State to be by it filed and recorded in the county clerk's office of Upshur County, Texas;

Be it further resolved that thanks

be extended to the donors of the property and that deep appreciation of the truly patriotic motives impelling such donation be and the same are hereby expressed on behalf of the Legislature as well as the State and the general public to the Dickson Colored Orphanage, incorporated, as well as to the good people of the City of Gilmer, Texas: be it further

Resolved, That a copy of this resolution be forwarded to said donors and a copy hereof be furnished W. H. Francis, Trustee, for his information and guidance.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 529, A bill to be entitled "An Act creating a special road law for Karnes County, Texas, requiring surety bonds of road overseers; containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929; setting forth the method of said operation and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 510, A bill to be entitled "An Act creating a more efficient road system for Anderson County, Texas; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 340, A bill to be entitled "An Act creating a more efficient road system for Hemphill County, Texas; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 506, A bill to be entitled "An Act to amend Chapter 74 of the Local and special Laws enacted by the Thirty-ninth Legislature at its Regular Session, approved March 7, 1925, same being a Special Road Law for Denton County, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to provide authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State Highway System is being carried on, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 15, 1929.
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom has been referred

S. B. No. 457 A bill to be entitled "An Act to authorize any peace officer or inspector of the State Highway Commission to reduce the load of any motor vehicle or trailer or semi-trailer so that the same shall

not exceed the gross weight allowed by law, and declaring an emergency."

Beg leave to report that we have had same under consideration and report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred

S. B. No. 459 A bill to be entitled "An Act to provide that the Highway Commission shall issue a permit upon the application of any person, firm or corporation to operate over a state highway super-heavy equipment for the transportation of heavy commodities as cannot be reasonably dismantled, etc."

Beg leave to report that we have had same under consideration and report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 404 A bill to be entitled "An Act to amend Chapter 402 Special Laws enacted by the Thirty-Ninth Legislature at its first called session in 1926, same being a special road law for Limestone county, Texas, etc."

Beg leave to report that we have had same under consideration and report it back to the Senate with recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 456 A bill to be entitled "An Act to amend Articles 833 and 834 of the Penal Code of the State of Texas for 1925 so as to give the State Highway Commission authority to forbid the use of roads and

bridges under certain circumstances, and declaring an emergency."

Have had same under consideration and beg to report it back with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 443 A bill to be entitled "An Act to amend Chapter 86 of the Local and Special Laws enacted by the 35th Legislature at its regular Session in 1917, same being a Special Road Law for Morris County by adding thereto Section 27a, etc."

Have had same under consideration and beg to report it back with the recommendation that it do pass. and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 383 A bill to be entitled "An Act creating a more efficient road system for Dickens county, Texas; etc."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, Feb. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 17, A bill to be entitled "An Act making an appropriation for the State available school fund for the years ending August 31, 1930, and August 31, 1931, respectively, sufficient in amount to provide for the apportionment from said fund of the sum of \$16.00 per capita of the scholastic population of the State for each of said years."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed in the Journal.

POLLARD, Chairman.

By Senator Love. S. B. No. 17.

A BILL,

To Be Entitled

An Act making an appropriation for the State Available School Fund for the years ending August 31, 1930 and August 31, 1931, respectively, sufficient in amount to provide for the apportionment from said fund of the sum of sixteen Dollars per capita of the scholastic population of the State for each of said years.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated for the support of public free schools and for free text books for the two years ending August 31, 1930, and August 31, 1931, respectively, all of the available free school fund arising from the interest or lease of school lands, interest on bonds, school taxes, and all other sources of revenue to said fund; provided that the text books may be purchased only out of funds arising from State ad valorem school tax; and, there is hereby appropriated out of the General Revenue Fund of the State such sum, not exceeding One Million Five Hundred for each of said years as it shall be necessary to add to the State available school fund to make said fund for each of said years equal in amount to Sixteen Dollars (\$16.00) per capita of the total school population of the State as ascertained and determined according to the latest scholastic census taken under the laws of this State prior to the commencement of each of said respective years. The monies hereby appropriated, as needed, shall be added to the State available school fund on order of the State Superintendent of Public Instruction and shall be distributed in accordance with the provisions of the laws of this State governing and relating to the distribution and apportionment of the State available school fund.

Committee Room,

Austin, Texas, Feb. 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 485, A bill to be entitled "An Act to provide for additional compensation for official shorthand reporters of all judicial districts or district courts in any county in this State having a population in excess of fifteen thousand inhabitants, according to the last United States census and according to any United States census which may hereafter be taken, and having only one judicial district or one district court in such county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Martin. S. B. No. 485.

A BILL

To Be Entitled

An Act to provide for additional compensation for official shorthand reporters of all judicial districts or district courts in any county in this State having a population in excess of fifteen thousand inhabitants, according to the last United States census and according to any United States census which may hereafter be taken, and having only one judicial district or one district court in such county, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That in any county in this State having a population in excess of fifteen thousand inhabitants, according to the last United States census and according to any United States census which may hereafter be taken, and having only one judicial district or one district court in such county, the official shorthand reporter of said judicial district or district court of such county, shall be paid \$300.00 per annum in addition to the compensation now provided by law. Said additional amount herein provided for shall be paid monthly by the commissioners' court of such county, out of the general fund of the county, as now provided by law.

Sec. 2. The fact that official shorthand reporters in certain counties in this State where there is only one judicial district or one district court, are inadequately paid, and

competent men can not be secured nor retained on account of said inadequate salary, creates an emergency and an imperative public necessity that the salary be raised, and for the suspension of the constitutional rule which requires that bills be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 433, A bill to be entitled "An Act to provide for a five year closed season on wild turkey and prairie chickens in Hutchinson, Wheeler and Collingsworth Counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.
By Small. S. B. No. 433.

A BILL
To Be Entitled
An Act to provide for a five year closed season on wild turkey and prairie chickens in Hutchinson, Wheeler and Collingsworth Counties, and declaring an emergency." Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act there shall be a five year closed season in Hutchinson, Wheeler and Collingsworth Counties on wild turkey and prairie chicken, during which time it shall be unlawful for any person or persons to hunt or kill wild turkey or prairie chickens in Hutchinson, Wheeler and Collingsworth Counties.

Sec. 2. That whoever shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars, provided each wild turkey or prairie chicken so shot at shall constitute a separate offense.

Sec. 3. The fact that wild turkey and prairie chickens are fast becoming extinct in Hutchinson,

Wheeler and Collingsworth Counties, creates an emergency and an imperative public necessity demanding the necessity of the suspension of the constitutional rule requiring all bills to be read on three several days in each House be suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 14, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 508, A bill to be entitled "An Act fixing the compensation of District Attorneys in districts of four or more counties and prescribing how the same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Senate Journal and not otherwise.

WIRTZ, Chairman.
By Small, Cunningham. S. B. No. 508.
ham.

A BILL
To Be Entitled
An Act fixing the compensation of district attorneys in districts of four or more counties and prescribing how the same shall be paid; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The district attorney of each judicial district composed of four or more counties in this State shall receive a salary of \$4,000.00 per year payable monthly in twelve equal monthly installments. Said salary shall be in lieu of all other per diem or other compensation now provided by law for said district attorneys. Said salary shall be paid by the State upon warrants drawn by the Comptroller of Public Accounts.

Sec. 2. The fact that it is for the best interest of the State that salaries of district attorneys in said districts shall be as provided in this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that

this Act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

Special Committee Report.

Austin, Texas, Jan. 16, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee to investigate the conditions and surroundings of the Alabama Indians in Polk county, Texas, do, in compliance with the Resolutions adopted by the Senate of the Fortieth Legislature, respectfully submit the following report:

On two occasions, August 2, 1927 and December 8, 1928, members of your Committee visited the Alabama Indian Reservation, composed of 1,280 acres of land granted to the Indians by the State of Texas in 1854, and which is located seventeen miles east of Livingston, county seat of Polk county, on State Highway No. 45.

Your Committee found these Indians living in poorly ventilated log huts, sleeping on the floor, and cooking their meals in fire-places or over open fires near their huts. We found them living in a wretched state of poverty, some of them lacking the bare necessities of life and all of them in dire need of assistance and guidance. We found suffering caused by long years of medical and dental neglect; by lack of proper diet, and the economic barriers placed around them because of their race, which have restrained these people from becoming productive agriculturists.

The investigations revealed that the Alabama Indians, and the Coushatta Indians who live with them, are an industrious people who have, through the years, availed themselves of every opportunity to earn an honest living; and who have, by their successful fight to LIVE and hold their families together on the meager and unproductive Reservation, accomplished near to the impossible, and have proved themselves worthy of any consideration and assistance the State may award them.

The reputation of the tribe is above reproach. The Indians stand equal to their white neighbors in chastity and virtue, and enjoy the confidence and admiration of the cit-

izens of Polk county who have known them for years.

The investigations revealed that this tribe has rendered outstanding services to the Republic of Texas and to the State. Chief Colita and Chief Tempe were staunch friends of General Sam Houston during the Texas Revolution and rendered invaluable assistance to the Saviour of Texas. The Alabama Indians of Polk county gave twenty-one men to the Army of the Confederacy in 1862 even though they were not recognized as citizens of the State or of the Confederacy. In 1918 a large group of the young men of the tribe offered their services in the American Army, but, due to the peculiar relationship they bore to the Federal Government, their services were not accepted. The investigation further revealed that the members of this tribe have always been loyal to the white people of that section and have never had any difficulties outside of the tribe. They have never inter-married with any other race and every individual on the reserve is a full blood American Indian.

It is the opinion of the Committee that the poor economic state in which these Indians are living is a result of the treatment they have received at the hand of the white man who came and took from them their lands and destroyed the game that was once plentiful in the areas between the Sabine and Trinity Rivers; the territory which the Alabama and Coushatta Indians claimed; and it is also the opinion of your Committee that restitution should now be made to these people for their losses, and that the State should provide for them in such a way as to enable them to reach a healthy economic state at an early period to the end that they may be permitted to enjoy a few of the comforts of life and that they may become able to provide food and clothing for their children and rear them under conditions conducive to good citizenship. The State of Texas, by the Act of the Legislature of 1854 which granted the present reserve to these Indians recognized its responsibility and obligation to these Indians, and it is the hope of this Committee that the Forty-first Legislature will, by appropriate legislation for the relief of these people, bring to an end the

long years of neglect which have forced these true wards of the State into a most regrettable depth of poverty.

The Alabama and Coushatta Indians of Polk county enjoy a peculiar relationship to the State and Federal Governments. They are the only Indians in Texas and they are also the last of the Indians who were wards of the Republic of Texas; and for this reason the responsibility rests both upon the State and upon the nation to insure the future welfare of the tribe. The Federal Government has, in a small way, shown its willingness to assume its responsibility in providing for these people, but it remains for Texas, who is first in responsibility as these Indians were wards of the Republic, to manifest its interest in these Indians before the National Government will render material aid.

In a summary statement, your Committee desires to report:

The Alabama and Coushatta Indians are poverty stricken, due to the State's neglect, lacking many of the necessities of life and practically all of the comforts of life; they are industrious people, uncomplaining of their state; honest, virtuous and worthy of assistance from the State. They have taken advantage of every available means of support, and yet they fall short of raising or earning enough to provide for their families during the entire year. They command the respect of the white people; they have rendered services to the Republic and to the State for which all Texans are grateful; they are worthy of consideration, and they will take advantage of, and profit by any assistance that may be given them to the extent that they will become a productive people and citizens of whom Texas will be proud. The tribe is composed of 254 individuals, practically all of whom are members of the Presbyterian church, the Presbyterians having maintained a mission among them since 1881. The Reverend and Mrs. C. W. Chambers are the present missionaries to these Indians and have been on the reserve for thirty years. They have devoted their lives to these people and have labored and sacrificed much to bring them into a state of civilization. They have acted as teachers, doctor, preach-

ers and leaders to these Indians, and but for the work done on the reservation disease would long ago have wiped these valuable descendants of a once powerful race from the face of the earth. It has been largely due to the sacrifices of these devout people that our Indians have been preserved and at last brought to the attention of the Federal and State Governments.

We, your Committee desire to recommend that appropriate legislation be introduced in the Forty-first Legislature for the relief of these Indians, and that the legislation proposed to the Legislature be termed an emergency and passed at the earliest possible date that assistance may be available to these people in time to assure the necessary materials and aids for cultivating the 1929 crop.

We will state that in years past the Federal Government has erected two buildings on the Reserve for the school, and that there was an appropriation of \$40,000 made during the last session of Congress, which was the first material assistance to be awarded to this tribe of Indians, and the agents of the Federal Government contracted to purchase about 3000 acres of land in the neighborhood of the said Reservation of 1280 acres, and the form or conveyance was submitted to the authorities of the Federal Government, and as the owners of the land wanted a reservation clause in the deeds to retain the mineral rights, consequently the Federal authorities objected to the reservation in the deed as to the mineral rights, thereby the \$40,000 so appropriated will not be available for the benefit of said Indians.

However, the present agent, Mr. Clem F. Fain, Jr., who was appointed by the Governor with others, will attempt to bring about a compromise with the owners of the 3,000 acres of land to see if a release of an omission of the Reservation Clause pertaining to the minerals in the conveyance, and if the owners of the land will waive or release said clause, in all probability the Federal Government will perfect the appropriation of the \$40,000.

Your Committee desires, respectfully, to call your attention to the following recommendations which

our investigations have revealed as the outstanding needs of the Texas Indians and which will, if granted, assure the salvation of these most worthy wards of the State, enable them to take their rightful place as citizens of this State, and remove the blot of neglect from the records of Texas' dealings with the Indians. And furthermore it will give them comfortable homes which will be an incentive to the coming generations of said Indians to love and cherish home, and such will be "bread cast upon the waters to be gathered up many days hence."

The Alabama and Coushatta Indians of Polk County are wards of the Nation; They are also wards of the State. No group of citizens can point with more pride to past services rendered to the Republic and to the State than can these Red Skins of Texas' Big Thicket. It was the Coushatta Indians who assisted Sam Houston in the Revolution. Chief Colita of the Coushatta Tribe slaughtered his own cattle to feed the starving women and children who were fleeing before the battle of Jacinto. It was Colita who carried the news of the victory to the border of Louisiana and brought the tired Texans back to their homes. The history of this tribe is rich in service rendered to the immortal Houston. The Alabama were sent back to Louisiana to be denied a place in Texas' glorious history. In the dark days that shook our nation to its foundation the Alabama gave a score of men to the cause of the Confederacy, they were in a part of Lee's army—they offered themselves in defense of the Southland. In more recent times when our Nation entered the conflict across the seas, twenty-one Alabama Coushatta Indians offered their services to the Cause of the Democracy, but they were rejected because they were not citizens. The fact remains that they were ready to serve. The responsibility of caring for these citizens rests upon the State and upon the Nation. The Federal Government has shown its willingness to recognize its obligation to these Indians, but the State must accept its responsibility before we can expect the Federal authorities to render substantial assistance. The Hearing before the Indian Affairs Committee will reveal the at-

titude of the National Government with reference to the State's responsibility to these people, and will also reveal that the Federal authorities will be more sympathetic in their attitude in the event Texas passes legislation for their benefit. Your Agent to the Alabama and Coushatta Indians of Texas respectfully recommends state legislation to the amount of \$110,000 for the benefit of the said Indians to be appropriated for the following purposes:

1. \$25,000 for additional lands for the reserve to create a range capable of stock raising on an economic scale.

2. \$40,000 for the purchase of blooded range cattle to create a common herd for the benefit of the Indians.

3. \$5,000 for agricultural equipment.

4. \$5,000 to create a loan fund to assist the Indians in making their crops from year to year. To be loaned to the Indians at a small rate of interest. This revolving fund will be of great assistance and will make it possible for the Indians to reach a sound economic basis at an earlier date.

5. \$10,000 for the erection of a store building, and for stocking the store with merchandise suitable for sale to the Indians. It is necessary for the Indians to travel 17 miles to purchase their needs. This store would become self-supporting and would show an annual profit even though the goods were sold on a small margin. This store would also serve the Missionaries and the school, as well as many white neighbors who live nearby. The school purchases nearly \$100 in groceries each month and this store would save on their purchases and at the same time make a small profit. All Indians reservations maintain and control stores for the benefit of the Indians. This is a great need. It will save the Indians time and money; it will protect them from imposition, and will be a great convenience to the teachers, missionaries and Indians.

6. \$5,000 for fencing portions of the reservation to protect crops and winter pastures from the cattle.

The Federal Government will be called upon to supplement this fund.

7. \$7,000 for additional school

equipment; to provide a water system for the school and do away with the shallow well at the school; to provide a small electric light system for the school, church and store, and the missionaries' home and the teacherage.

8. \$3,000 for the purchase of seed and plants for the Indians for next year's crop. The Indians must get away from the old Indian corn and the low grade of cotton they raise. They have used the same seed for cotton for many years as they are not able to pay high prices for good cotton seed. Potato slips and tomato plants must be purchased for them if they are to produce these crops.

9. \$4,500 for the purchase of fertilizer for the farms on the reserve to enable the Indians to get the greatest return from their old lands while the new ground is being cleared.

10. \$3,000 for salary and expenses of an Indian Agent who shall give his full time in looking after the State's interests and the interests of the Indians. Who shall supervise their agriculture, direct their labor, attend to the Indian store, assist the Indians in the sale of their crops, make the loan from the revolving fund and make collections; protect the Indians from trespassers, develop their forests and stock their streams with fish; promote sanitation, supervise the Indian school and in general carry out the duties of the Agent to the Indians. (This \$3,000 to be available at \$1,500 per year for two years when matched by a like amount from the Federal Government, as the Agent will have charge of both the State and Federal property. The Agent to be bonded and capable."

11. \$2,500 for the development and preservation of the arts and crafts of the Alabama and Coushatta Indians of Texas. From this will arise a profitable business, i. e. The sale of Indian articles, baskets, bead work, moccasins, bows and arrows, flutes, ornaments etc. This will make every member of the tribe a producer, the old women and children during the winter months can carry on a profitable business. Thousands of dollars worth of Indian goods can be sold at the Dallas Fair annually.

We, your Committee in addition

to the above amount, would respectfully ask that \$7,500.00 be appropriated by the Legislature to be used to pay the lease on a small saw-mill and planing mill, or to purchase said mills anew, and for the purchase of materials (nails, hammers, saws, screens and other necessary materials), for house construction. This amount will enable us to cut all necessary lumber and erect these houses at a surprisingly low cost. From our inspection of the Reservation of 1280 acres we find there is a great deal of virgin timber of pine, oak, and sweet gum, as there has never been any of the timbers cut on said land.

We further recommend that the appropriation by the Legislature should carry an amount capable of maintaining the Agency for two years, and we believe that the salary of the Agent should be \$200.00 per month, and that the office should be allowed \$50.00 per month for expenses, which said amounts we think are very conservative, as the Agent will have a very great responsibility, and as he will necessarily have charge of expenditure of some of the funds. It is true that the Agent should be bonded in amount of the money that he may handle at given periods, and in this connection we think that what amount is appropriated by the Legislature should be under the direction of the Governor, the Comptroller and the State Treasurer, and the Agent should use and spend the money at certain periods under the direction of the Governor, Comptroller and State Treasurer, and proper report from the Agent which should be presented and filed in the Comptroller's Department.

We, your Committee, please to report that Dr. J. C. Anderson, Health Officer of the State of Texas, in company with Dr. W. W. Flowers, Health Officer of Polk county, with the assistance of Mr. Clem F. Fain, Jr., of Livingston, Assistant Chief and Agent of and for the Tribe of Indians, conducted a clinic on November 20, 1928, pertaining and concerning said Indians. And we are informed by Dr. J. C. Anderson, Health Officer, that he is preparing a full report concerning the needs of said Indians and their physical condition, that when his report is finished, which we think will be

very valuable and comprehensive to enlighten the Legislature in connection with this report, that the report of Dr. Anderson will be made to the Governor, and that it will be for the inspection of the Legislature. We will further state that the report of the Agent, Mr. Clem F. Fain Jr., Agent as aforesaid has been made to the Governor, bearing date August 21, 1928, is quite full, clear and comprehensive, and we find his report to be true as far as we have examined into the whole matter, and we fully endorse said report so made to the Governor. In this connection it is with pleasure that this Committee heartily endorse the workings of the Agency of Mr. Fain. We find that he is well acquainted with the nature and wants of these Indians. We further find that the Indians are well pleased and have the utmost confidence in him, as an Agent and otherwise.

We further state that we are pleased to know that these Indians have been looked after with the greatest of interest as to their spiritual and cultural welfare, through and by Mr. and Mrs. C. M. Chambers. They went to this reservation many years ago, as missionaries. The said Rev. C. M. Chambers, a Presbyterian minister, has been preaching to these Indians ever since he has been among them, and the result has been marvelously great, and we trust and hope that he will live among the Indians for many years to come. And furthermore, we found that the children of this tribe of Indians were being provided with literary training under the school laws of this State. They have for their teachers Mr. and Mrs. J. H. Willbanks, whom we found are capable and efficient in training and teaching these children.

And as to the school of these children, we here embody and produce a copy of the letter from the State Superintendent which reads as follows:

State Department of Education,
Austin, Texas, Jan. 16, 1929.
Indian Village School District No.
17, Pinckney, Polk Co., Texas.

The school at Indian Village has received the State apportionment based on the scholastic census through the years. Since this school district did not levy a tax, it was not eligible for rural aid until last year.

The Fortieth Legislature placed an exemption clause in the rural aid bill which exempted this district from taxation and made it eligible to receive aid. For the school year 1927-28 this district received aid as follows:

Teachers' Salaries.....	\$500.00
Industrial Aid.....	256.00
High School Tuition.....	90.00

For the school year 1927-28 sixty-nine scholastics received State apportionment. The records in this Department show that \$1,035.00 State apportionment and \$101.43 county apportionment were received by them. The Fortieth Legislature also set aside \$1,000 as a special appropriation for the education of these Indian children.

(Signed) S. M. N. MARRS,
State Superintendent.

We, as the Committee, wish to state that part of us visited this Indian Reservation twice since our appointment. We first went out to the Reservation in August, 1927, and at that time the public road leading out from Livingston to the Reservation was almost impassible, but since then Polk County and the Highway Department of Texas has graded up a first class highway leading out from Livingston to this Reservation and we recommend that this road be extended on to Woodville, Tyler County, and it will be a cross-connection between Highway No. — and Highway No. —.

We, as the Committee, wish to acknowledge our appreciation of the courtesy extended to us by Charlie Thompson, the Chief and all of the Indians on the Reservation. And also the courtesy extended to us by Mr. Clem F. Fain, Jr., the Assistant Chief and Agent of said tribe. When the Indians knew of our coming they welcomed us at their school house and church with open arms and felt gratified to realize the fact that one white man had come to their rescue.

It is with sorrow and sad bereavement that Senator Fairchild and Senator Triplett have departed this life since their appointment, though they both were with the full committee that made the first investigation of the Reservation in August, 1927, and we will here state that they both, Senator Fairchild and Senator Triplett were deeply concerned in the welfare of these Indians and expressed themselves that

something should be done for the welfare of these human beings. All of which we respectfully submit for the benefit of the Forty-first Legislature and for its consideration.

This, the 16th day of January, 1929.

P. B. Ward, Ex-Senator, Mrs. Earl Cogdell, representing Texas Federation Women's Clubs, Mrs. L. R. Cade, Mrs. D. P. Rock, H. L. Lewis, Mrs. John A. Glen.

Read and referred to Committee on Finance.

THIRTIETH DAY.

Senate Chamber,
Austin, Texas,

Saturday, February 16, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, no quorum being present, the following Senators answering to their names:

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Witt.
Hornsby.	

Absent.

Parr.	Williamson.
Patton.	Wirtz.
Small.	Woodul.

Absent—Excused.

Hyer.	Neal.
Martin.	Russek.
Miller.	Woodward.

Adjournment.

On motion of Senator McFarlane, the Senate, at 10:10 o'clock a. m., adjourned until 10:00 o'clock Monday morning.

THIRTY-FIRST DAY

Senate Chamber,
Austin, Texas,

Monday, February 18, 1929.

The Senate met at 10 o'clock a.

m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Neal.	Wirtz.
Witt.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Pollard:

S. B. No. 539, A bill to be entitled "An Act relating to the State Penitentiary providing for power in the State Board of Control to buy supplies, produce, equipment and materials, including food, clothing, shoes, utensils and appliances, furniture and fixtures, and any and all other supplies, etc., and declaring an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Berkeley:

S. B. No. 540, A bill to be entitled "An Act providing for the fixing of the salary of the Banking Commissioner of Texas at Ten Thousand (\$10,000) Dollars per annum and the salary of the Deputy Banking Commissioner at Seven Thousand Five Hundred